



**Electronic Filing
in the New York State Courts**

2018

Report of the Chief Administrative Judge
to the Legislature, the Governor, and the
Chief Judge of the State of New York



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“Technology is critical to our efforts to enhance the efficiency and productivity of court operations, as well as to improve our service to the public. E-filing is the centerpiece of these efforts. It reduces costs and saves time for both the court system and litigants, improves access to the courts, and sharply reduces the environmental impact of litigation. E-filing is the future of our court system, and we must expand, thoughtfully and carefully, but also diligently, the use of this powerful tool.”

A handwritten signature in dark ink, reading 'Janet DiFiore'.

Chief Judge Janet DiFiore
Chief Judge of the State of New York

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I. Executive Summary

The New York State Courts Electronic Filing System (“NYSCEF”) continues to make significant advances and to show itself to be both reliable and effective. A significant milestone was achieved in 2016 – the e-filing of one million cases since e-filing was first authorized in New York, a number that has since grown to more than 1.6 million cases. 2017 saw another important milestone – more than 100,000 registered users of NYSCEF, a number that will continue to grow as attorneys and others become familiar with the ease of e-filing and its many advantages. Yet another major milestone will soon be reached – after years of experience in the trial courts, e-filing will shortly debut in the appellate courts, with pilot programs in each of the four Departments of the Appellate Division beginning in the first quarter of 2018.

This steady expansion reflects a growing recognition of the many benefits of e-filing:

Convenience. A case can be commenced and subsequent documents can be filed with the court and served on opposing parties via NYSCEF from any place with Internet access at any time on any day, even when the courthouse is closed. E-filing makes case files accessible online to counsel of record at any time and anywhere and allows counsel immediate access to newly-filed papers.

Efficiency and Productivity. E-filing streamlines the mechanics of litigation. The system provides immediate e-mail notification and delivery of all filings, including court orders, judgments, and decisions, which are available online. In addition, the system automatically serves papers on all participating parties and thereby relieves attorneys and litigants of this burden.

Cost. E-filing offers significant cost savings to attorneys, litigants, County Clerks and the courts. For attorneys and litigants, it eliminates the cost of serving hard-copy papers on opposing parties. For attorneys, the courts, and County Clerks, it sharply reduces record storage and retrieval costs.

Environment. E-filing is a green initiative that not only saves vast quantities of paper each year but also sharply reduces the need to travel for the purpose of serving, filing, or retrieving papers.

E-filing is one of the most successful projects, and certainly one of the most important, ever undertaken by the New York State Unified Court System (“UCS”). E-filing is transforming very much for the better the way attorneys conduct litigation and the way the courts and County Clerk offices operate. More transformation is on the horizon.

[Section II](#) reports on the current status of the e-filing program, highlights recent progress, and sets out our plans for the future. Among other things, we outline the continued expansion of e-filing in Supreme Court and Surrogate’s Court; report on efforts to bring an up-to-date case management system integrated with NYSCEF to the Supreme Court, thus achieving improvements in efficiency and labor savings for the courts and the County Clerks; set forth the plan for the imminent introduction of e-filing in the Appellate Division, thus achieving integrated e-filing in trial courts and on appeal; and summarize the status of our efforts to introduce e-filing in criminal and Family Court cases. We also describe our ongoing training and outreach efforts, and the work of the NYSCEF Resource Center.

[Section III](#) summarizes comments and suggestions about e-filing received from County Clerks, bar associations, not-for-profit entities, government agencies and other groups, individual attorneys, and members of the public, as well as our responses thereto.

[Section IV](#) sets forth the court system's proposal for legislative changes. After significant legislative reform in 2015, further major modifications are not sought at this time. There are, however, two respects in which current legislative scheme can and should be improved:

- Removal of statutory provisions that deny to the Chief Administrative Judge the authority to require attorneys to e-file in matrimonial, residential foreclosure, and consumer credit cases; and

- Extension of the September 1, 2019 sunset currently in place for the authorization for e-filing in criminal and Family Court cases.

OCA will submit to the 2018 Legislature a legislative proposal to accomplish these ends. This limited proposal ([Appendix A](#)) will improve the efficiency and effectiveness of the e-filing program, reduce some of the complexity that currently affects it, and facilitate our ongoing efforts to move the New York courts into the digital future.

II. E-Filing in the New York State Courts

A. Overview of Current Status

After a hesitant beginning in 1999 – in the first year that e-filing was authorized in New York, not a single case was e-filed – the e-filing program of the New York State Courts has grown significantly and steadily.¹ E-filing in Supreme and Surrogate’s Courts is now in operation in more than half of the counties in New York.² To date, more than 1.6 million cases, and close to 17 million documents, have been e-filed, and there are now more than 101,000 registered users of NYSCEF. This growth is a testament to public recognition of the many advantages of e-filing over paper-based litigation, and to the NYSCEF system’s solid record of reliability, efficiency, convenience, and security.³

Recent gains were also greatly aided by legislation enacted in 2015. L. 2015, c. 237. This legislation achieved four primary objectives:

Permanent Status. Chapter 237 eliminated the pilot status of the mandatory e-filing program, thus placing e-filing on an even more solid footing.

Expanded Authority. For the Chief Administrative Judge Chapter 237 authorized the Chief Administrative Judge to add new courts to the mandatory program by administrative action rather than through legislation.

Protections for Unrepresented Parties. Chapter 237 changed procedures regarding unrepresented parties, principally by replacing an opt-out with an opt-in protocol whereby such parties could not be

required to e-file a case unless they affirmatively chose to do so.

Simplified Statutory Scheme. Finally, chapter 237 simplified and clarified the legal landscape of e-filing, and made it easier to navigate, by incorporating all statutory provisions governing e-filing into the Civil Practice Law and Rules, the Surrogate’s Court Procedure Act, the Criminal Procedure Law, the Court of Claims Act, the Family Court Act, and the New York City Civil Court Act.⁴

Over the past year, e-filing has continued to expand across the State. Mandatory e-filing has been initiated in Supreme Court in Cortland, Jefferson, Lewis, Livingston, Monroe, Oswego, and Tompkins Counties. Existing mandatory e-filing programs in Supreme Court in Essex and Queens Counties have been expanded to include additional case types. During this period, consensual programs have been established in Supreme Court in Chautauqua, Chenango, Seneca, Steuben, and Wayne Counties. Mandatory programs have been initiated in Surrogate’s Court in Franklin, Montgomery, Oswego, Schenectady, Suffolk, Ulster, and Warren Counties.

Each such expansion of the program followed extensive outreach and consultation. The State-wide Coordinator for Electronic Filing in the State Courts, Jeffrey Carucci, works closely with court administrators, County Clerks, bar associations, and other interested groups, as well as with the relevant E-Filing Advisory Committees, to identify

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1. The first legislative enactment on e-filing went into effect in July 1999. L. 1999, c 367.
 2. Of these 1.6 million cases, 64,804 were filed in Surrogate’s Court and 1,037 in the Court of Claims. The balance, approximately 1.55 million, were filed in Supreme Court.
 3. Last year, the Managing Attorneys and Clerks Association, an organization of over 120 medium and large firms that are frequent users of e-filing, gave NYSCEF “high marks in usability and reliability,” adding that “as one [MACA] member commented, ‘the system is never down!’” Letter of Timothy K. Beeken, Esq., President, Managing Attorneys and Clerks Association, March 24, 2017.
 4. Prior to 2015, the landscape had consisted of a lengthy series of scattered and complicated Unconsolidated Laws. Because of their location and awkward structure, and the recurring sunset dates that characterized them, these statutes made it a struggle for the bar to determine what the law governing e-filing was at any specific time.

courts where introduction or expansion of e-filing may be appropriate, and to develop plans for implementation. Prior to each rollout or expansion, there is broad consultation with interested groups: we give public notice of the proposed plans, and solicit comments and suggestions, including notices posted on the UCS website and letters mailed directly to bar associations and other interested groups. Introductions and expansions of e-filing in Supreme Court are always by agreement between the County Clerk and the UCS.

With these most recent expansions, the current status of the e-filing program is as follows:⁵

Consensual E-filing: Consensual e-filing is authorized:

- In Supreme Court in 32 counties;
- In Surrogate's Court in 34 counties;
- In the Court of Claims in the Albany District (12 counties) and in the New York City District (seven counties); and
- In the New York City Civil Court for no-fault cases involving claims by providers of health-care services against insurers and for e-filed cases removed from the New York County Supreme Court pursuant to CPLR 325(d).

Mandatory e-filing:⁶ Currently, mandatory e-filing is authorized:

- In various categories of cases in Supreme Court in 27 counties;⁷ and
- In Surrogate's Court in 22 counties.⁸

Over the coming year the program will expand further. A number of Surrogate's Courts around the State have indicated an interest in proposing the introduction of mandatory e-filing programs. We also anticipate that in a number of counties e-filing will be introduced in Supreme Court for the first time, and in other counties in which e-filing is already operational, there will be an expansion of the case types covered. In addition, we expect to commence discussions regarding the expansion of e-filing in the Court of Claims and the New York City Civil Court in the near future.

In addition to this steady expansion of e-filing in the trial courts, e-filing will soon be introduced in the appellate courts. Since enactment of chapter 237 of the Laws of 2015, which added a provision to the CPLR (Section 2112) authorizing e-filing in the Appellate Division, there has been substantial work undertaken, including outreach and consultation, to prepare for the debut of appellate e-filing in New York. One of the guiding principles of this planning effort is that there be a uniform system of e-filing across the four Departments of the Appellate Division. Based on that principle, uniform statewide rules governing appellate e-filing were adopted, following public notice and opportunity for comment. Another guiding principle is that the appellate e-filing system mirror, to the fullest extent possible, the trial court system, with which the bar has become so familiar. That objective has been achieved. E-filing in the Appellate Division is expected to commence in the first quarter of 2018.

5. E-filing programs are authorized by administrative orders issued by the Chief Administrative Judge with the approval of the Administrative Board of the Courts, specifying the courts and case types in which e-filing may be employed. These orders are cumulative; that is, for the convenience of the bar and the public, each order lists all programs authorized in the state. The current status of the program is set forth in the most recent Administrative Order (AO/116/18), dated January 22, 2018.

6. In some counties, there is both consensual and mandatory e-filing, depending on the case type, while in other counties there is only consensual or mandatory e-filing. Administrative Order 116/18 specifies the counties in which there is consensual or mandatory e-filing and, for each program, the case types covered.

7. In 15 of the 27 counties having mandatory e-filing in Supreme Court, all case types are included, except statutorily-exempt categories (i.e., CPLR Article 70 and Article 78 proceedings, and matrimonial, Mental Hygiene Law and Election Law matters, as well as certain residential foreclosure actions involving a home loan, and certain proceedings related to consumer credit transactions). In the remaining 12 counties, the covered case types are more restricted.

8. The cases subject to mandatory e-filing in the 22 Surrogate's Courts are probate and administration proceedings and miscellaneous proceedings relating thereto.

B. E-Filing in Criminal and Family Court Cases

As discussed above, considerable time and resources were devoted in 2017 to the expansion of e-filing in civil cases in the trial courts, and on the preparation to launch e-filing in the Appellate Division. At the same time, we have continued to work through the many issues related to e-filing in criminal and Family Court cases. In this effort, we have been guided by the e-filing advisory committees for criminal and Family Court, both of which include representatives of all interested groups, including prosecutors and the defense bar.

The criminal and the Family Court committees have focused their work in the following four areas:

- Ensuring that the NYSCEF system complies with all sealing and confidentiality mandates.⁹
- Modifying NYSCEF to create both Family Court and criminal modules so that the system functionality and screens meet the particular needs of these courts and their practitioners.¹⁰
- Developing the capability to transfer data directly from NYSCEF into the court system's case management systems and into compatible systems used by litigating agencies, in an effort to reduce costs by eliminating duplicative data entry, and to promote accuracy in court records by reducing the number of points of data entry.
- Drafting and publicly vetting rules to govern e-filing in these courts.

Based on this preliminary work, we expect to begin a pilot program this year in which e-filing through NYSCEF would take place in real Family Court cases in up to six counties. The Advisory Committee will work with the UCS e-filing staff to identify the counties in which to pilot e-filing in the covered cases.

This year, we also expect to begin pilot testing of criminal e-filing in a real environment, with consensual e-filing of CPL 730 orders and reports.¹¹ We anticipate that, later this year, we will expand pilot testing to other kinds of documents.

We will study closely the results of both the Family Court and criminal pilot projects, make such modifications in the NYSCEF system, the rules, and the procedures as may be needed, and decide on the next steps toward implementation of e-filing in these courts.

C. Exemptions from Mandatory E-Filing – Unrepresented Litigants and Attorneys without Technical Knowledge or Equipment

E-filing statutes provide special protections for unrepresented litigants who do not wish to participate in e-filing, and for those attorneys who lack the knowledge or equipment to do so.

Unrepresented litigants. Unrepresented parties are not required to participate in e-filing. This exemption is automatic – they need take no action whatsoever.

9. Pursuant to chapter 237, the authorization for e-filing in criminal cases shall not affect or change any existing law having to do with the sealing and confidentiality of court records in criminal cases, or access to court records by the parties. Chapter 237 further provides that no party may be compelled to file a sealed document by electronic means; and that no document e-filed in a criminal case shall be available for public inspection online. L. 2015, c. 237, § 4; Criminal Procedure Law §§ 10.40 (2) (d)(i), (ii). Chapter 237 includes similar protections with respect to Family Court e-filing. L. 2015, c. 237 § 6; Family Court Act § 214 (d).

10. The Advisory Committee is anticipating that development of the initial screens to allow for electronic filing will be a vital element in implementation of the "Raise the Age" legislation ("RTA"), addressing concerns about transfer of documents among Accessible Magistrate Parts, Superior Court Youth Parts, and the Family Courts. See, L. 2017, c. 59, Part www. As a result, we anticipate that this project will be part of the programming goals of the RTA implementation process.

11. In selecting a venue or venues for this pilot, we are seeking a court that will provide sufficient use of the software so that, during the pilot, NYSCEF staff can receive meaningful feedback about the functionality and adequacy of the module for cases of this kind. We will also be seeking to identify venues that will provide a representative universe of the criminal cases that are filed statewide in the Supreme and County Courts, and will faithfully reflect criminal practice in these courts.

Prior to the enactment of chapter 237 in 2015, such litigants had to opt-out of e-filing, if mandatory e-filing were in place. Chapter 237 reversed the presumption – unrepresented litigants must now affirmatively opt-in if they wish to participate in e-filing. These litigants e-file only if they want to do so and they must take action in order to be able to participate. If they wish to take part, they must have an e-mail address, apply for a user ID and password, and register with NYSCEF for the case so that the system will permit them to file papers, and will serve them electronically when opposing parties file papers. Absent these affirmative steps, an unrepresented litigant files and serves documents in hard-copy and is served with documents in the same form.¹²

The court system takes a number of steps to ensure that unrepresented litigants understand their rights in relation to e-filing. First, when a new e-filed case is commenced, the rules require the service of process in hard-copy form, which must be accompanied by a notice informing the defendant that the filer has commenced the action electronically,¹³ and that advises the defendant that, as provided statutorily and in the e-filing rules,¹⁴ unrepresented litigants are exempt from e-filing and can serve and file documents in paper form and must be served with all documents in paper form. The notice further states that the unrepresented person may choose to participate in e-filing or proceed with hard-copy service and filing. Those who might wish to e-file are referred to a dedicated court system website for the unrepresented. Unrepresented persons who choose to e-file are also encouraged to contact the clerk or the Help Center in the court where the action was filed.¹⁵

Further, pursuant to CPLR 2111 (b), the clerk must explain to an unrepresented party the options for e-filing in plain language and inquire whether he or she wishes to take part. Such litigant may participate only on his or her request and only after having been presented with information in plain language about the program. The litigant's request must be documented in the case file. Even if an unrepresented party chooses to take part, and to e-file, he or she may later revoke consent for any reason, at any time, merely by filing a form so stating.

In addition, the NYSCEF website includes a special section for unrepresented litigants, where they can find, in clear language, detailed information about e-filing and their rights.¹⁶ From that site, unrepresented litigants can obtain all the information they need to understand their right not to e-file and the information required to make a sound decision on this issue. The site also walks unrepresented litigants through the process of obtaining an ID and password and creating a NYSCEF account through which filings will be made.

Finally, the UCS has developed an addendum to the Notice of Electronic Filing for use in residential foreclosure cases. This notice provides, in clear and simple language, an additional statement of the right of the unrepresented person not to take part in e-filing unless he or she voluntarily chooses to do so.

Attorneys. The e-filing statutes and rules also contain provisions to assist attorneys who are unable to participate in e-filing. An attorney who lacks the knowledge or equipment necessary for e-filing need only file a form so certifying, and he or she will be excused from having to e-file, and, accordingly, permitted to file and serve and be

12. We estimate that since the enactment of chapter 237 in 2015, more than four thousand unrepresented persons have e-filed, and that in 2017 alone more than 18,000 documents were e-filed by these litigants.

13. 22 NYCRR 202.5-b (b)(2). A defendant is free, if he or she chooses, to consent to accept service by electronic means. It would not be possible for a technologically unsophisticated and unrepresented defendant to consent inadvertently to accept electronic service of process. We explain why this is not possible in NYSCEF later in this report.

14. 22 NYCRR 202.5-b (b)(2)(ii).

15. The UCS has prepared drafts of simpler versions of these notices, which have recently been approved by the Administrative Board of the Courts.

16. The address of this site is: <https://iappscontent.courts.state.ny.us/NYSCEF/live/unrepresented/UnrepresentedHomePage.html>

served in hard copy.¹⁷ As each year passes and digital technology continues its inexorable advance in our culture and economy, not surprisingly, the number of such attorneys declines.

D. Improvements to Software and Productivity Enhancements

We continuously modify the NYSCEF system to ensure that it meets the needs of all users, and that it remains as efficient, effective, and easy-to-use as is possible. Many improvements and enhancements are made in response to suggestions or comments from attorneys, legal organizations, unrepresented persons, court staff, judges and County Clerks. Input is also obtained from the several advisory committees.

We have fostered a particularly close collaboration with the County Clerks. One of the County Clerks expressed the view, which we believe is widely shared by her colleagues, that “[t]here is a constant collaboration between our county and the New York State Courts Electronic Filing System Resource Center (NYSCEF) to continuously improve and enhance the system. NYSCEF is always willing to address any concerns and provide improvements to the system.”¹⁸

Some of these enhancements are substantial and others are modest. But even the small improvements cumulatively add to the functionality and ease of use of NYSCEF. Thus, as with digital tech-

nology generally, NYSCEF is a work in continual progress. One attorney put the matter thus: “[t]he e-file system is GREAT and only getting better.”¹⁹

Among the improvements recently made are the following.

Text Searchability. In last year’s report, we noted efforts to bring text searchability to the NYSCEF application. This capability is now in place, allowing for automated searching of e-filed PDF-A documents for key words and phrases, and for the easy copying and pasting of words, phrases, or paragraphs into orders or briefs.

Redaction. We have also implemented a functionality that automatically filters e-filed documents for social security numbers.²⁰ We conduct this filtering and redaction even though General Business Law § 399-ddd (6) and court system rule 202.5 (e) (22NYCRR 202.5(e)) place the burden on the filer not to file a document that contains the social security number of any other person.

E-signatures. We continue our work on e-signatures for judges. We expect to begin in the early part of this year a pilot project in at least one venue in Supreme Court employing the use of secure e-signatures by judges. E-signing technology saves time and effort by eliminating the need to print, sign and then scan orders, while also greatly enhancing the security and integrity of court orders.²¹

17. CPLR 2111 (b) (3) (B); 22NYCRR 202.5-bb (e) (3) (mandatory program). In connection with this year’s report, one attorney, who described himself as a senior attorney and solo practitioner with limited staff, submitted a comment in which he criticized e-filing in Surrogate’s Court because of the burden e-filing places on him. E-Mail of Frank Apicella, Esq., Jan. 6, 2018. It appears, however, that this attorney is describing a situation in which he lacks knowledge to e-file and lacks sufficient knowledgeable staff to e-file on his behalf, which would entitle him to file a certificate of exemption or should he so choose, to seek an exemption from the judge assigned.

18. Letter of Hon. Audrey I. Pheffer, Queens County Clerk, Jan. 9, 2018. See also Letter of Hon. Judith A. Pascale, County Clerk of Suffolk County, Jan. 11, 2018 (“Resource Center staff has been a tremendous help in testing our system and fixing errors that occur”). Another County Clerk expressed a similar sentiment, writing that “we have developed a long-standing professional relationship with the NYSCEF e-filing administrative team, e-filing Resource Center, as well as the NYSCEF Office of Information Technology, who have been extremely helpful and responsive during the continued expansion and improvement of electronic filing.” Letter of Hon. Timothy C. Idoni, County Clerk of Westchester County, Jan. 10, 2018. And a fourth County Clerk wrote that “[t]he partnership with support staff at the NYS Office of Court Administration, led by Jeffrey Carucci, has been critical in making this program a success, and they should be recognized for their innovative and collaborative approach.” Letter of Hon. Adam J. Bello, County Clerk of Monroe County, Jan. 11, 2018.

19. E-Mail of David Tolchin, Esq., Dec. 26, 2017.

20. Since screening began in December 2017, we have screened more than 400,000 documents for the possible presence of social security numbers.

21. The e-signing function uses a sophisticated encryption technology that ensures that only the judge can apply that judge’s e-signature. Moreover, each e-signature on each document is given a unique serial number, which is electronically stored in a secure, remote site. If the validity of a document is ever questioned, we can verify that the signature was applied to that exact document, when it was applied, and that the document was not altered after it was digitally signed.

Reduction in duplicative data entry. We continue to seek ways in which NYSCEF can improve the productivity of and reduce costs for courts, County Clerks, and, ultimately, the taxpayer. One such opportunity is through the reduction in data entry, as a result of the electronic transfer of data from NYSCEF to the case management program of the court or County Clerk. This integration saves time and money, and also improves the accuracy of court records by eliminating a potential point for introducing error.

E. Training

In 2017, we maintained our longstanding efforts to make training and assistance easily available to attorneys and unrepresented litigants, as well as judges and court and county clerk staff. We provide online self-help training that allows users to experiment with all the functions of NYSCEF without limitation and at no charge. In addition, assistance is available from the UCS E-Filing Resource Center. The comments made by users about the Resource Center and its staff have long been very complimentary and remain so today. For example, Hon. Elizabeth Larkin, County Clerk of Cortland County, writes that the “NYSCEF Resource Center continues to be an invaluable resource for both the county clerk’s office and e-filing submitters. They are professional and helpful when the occasional help is needed.”²²

Training classes are offered in many locations. For example, we offer training on a weekly basis in New York City. Training is available as needed in other areas around the State. Whenever NYSCEF is introduced into a new court or county, we provide onsite training on an intensive basis. In addition,

for over four years, the Resource Center has been offering regular live training online.

Training has always been, and continues to be, offered at no cost, and two hours of Continuing Legal Education (CLE) credit is made available to attorneys who participate in our two-hour on-site course. The UCS has provided thousands of hours of such free CLE credit. The UCS also has provided extensive training to judges and the staff of law firms, County Clerks and court personnel. We will be continuing and expanding this training effort in 2018 and beyond.

22. Letter of Hon. Elizabeth Larkin, Dec. 26, 2017. The Managing Attorneys and Clerks Association, a group from over 120 medium and large firms who are heavy users of electronic filing in the State and Federal courts in New York and around the country, wrote to the Statewide Coordinator as follows; “[W]e are continually impressed with the extraordinary work you and your staff are able to accomplish.... Operating out of a small space in the New York County Courthouse with few staff but responsibilities that extend from Niagara Falls to the Montauk lighthouse and from Staten Island to Essex County and beyond, you are able to keep NYSCEF running and running well.” Letter of Timothy K. Beeken, Esq., President, March 24, 2017. Another attorney wrote last year that “those folks tasked with answering questions by phone and email [the NYSCEF Resource Center] have been very helpful often with the patience of a saint; good for them.” E-Mail of Robert M. Lefland, Esq., March 10, 2017. The County Clerk of Nassau County wrote to the Statewide Coordinator: “The quality of the e-filing program along with the accessibility of the outstanding NYSCEF Resource Center staff who are dedicated to the success of the program, continue to generate a significant amount of goodwill among the practitioners who rely on it, a direct result of the efforts of you and your team.” Letter of Hon. Maureen O’Connell, March 22, 2017. See also E-Mail of Janet D’Angelo, Esq., Jan. 10, 2018 (“the personnel at the e-filing help desk... are terrific....”).

III. Consultation, Outreach, Input and Responses

A. Consultation and Outreach

In preparation for this report, the UCS undertook extensive efforts to consult with interested persons and groups about e-filing. Outreach efforts included the following:

Public Notices. We posted notices seeking comment on the home page of the public UCS website, the home page of the e-filing website, and on the UCS website for unrepresented persons. In addition, we placed a notice in the New York Law Journal. Attached as [Appendix B](#) are copies of the notices posted on the UCS and NYSCEF websites and in the Law Journal.

Consultation with Advisory Committees. Further, we consulted with all the advisory committees and sought input not only from their members, of whom there are more than 100, but, through them, from other interested persons and groups. Attached as [Appendix C](#) is a list of the e-filing advisory committees and their memberships. We have received responses from all of the advisory committees on e-filing, speaking favorably about progress to date and looking forward to further expansion of e-filing.

Written Request for Comments. In addition, we reached out directly to many interested persons and groups and solicited their comments and suggestions. [Appendix B](#). All told, more than 600 letters or emails were sent to, among others, bar associations, County Clerks, and other government officials, public defenders, legal services groups, and other organizations. Attached, as [Appendix D](#), are lists of the persons, entities, agencies, and groups (not including County Clerks in counties hosting e-filing) to which we sent letters

or e-mail messages soliciting comment and suggestions. In addition to generally seeking comments about experience with e-filing and suggestions for improving NYSCEF, we specifically drew attention to and invited comments on the possibility that the Judiciary would propose legislative modifications removing various current statutory restrictions on mandatory e-filing.²³

Meetings. The UCS e-filing team meets throughout the year with various bar associations, County Clerks and other groups, at which meetings we often hear suggestions for improving the system. In preparation for this report, UCS e-filing staff met, in January 2018, with a group of attorneys from the legal services community to discuss issues related to e-filing and unrepresented litigants, especially in residential foreclosure and consumer credit cases. Nine lawyers from various legal services organizations attended, in addition to UCS and legislative staff. Issues discussed at this meeting are addressed on pages 15-17 below. Importantly, the attendees at this meeting agreed to continue to meet on a bi-annual basis to continue a dialog about the impact of e-filing on unrepresented litigants. UCS staff also asked the lawyers in attendance to notify us promptly if they become aware of any issues or problems involving unrepresented litigants, so that the issues or problems can be addressed immediately.

23. In addition, we sent a second, more targeted, letter to bar groups and others in the counties in which consensual e-filing in matrimonial cases has been in operation and solicited from matrimonial practitioners' comments about e-filing based on actual experience.

B. Comments Received and Responses Thereto

This broad outreach drew approximately 60 written submissions. The submissions are printed in Appendices E through H,²⁴ and have also been posted on the UCS website.

Here follows a discussion of the comments and suggestions received, and, where appropriate, our responses thereto.

1. General Comments

Many commentators praised NYSCEF, and offered no suggestions other than encouragement for the continued expansion of the program. A sampling of such comments, none of which required a detailed response, are as follows:

"[E-filing has been a real blessing. It makes lawyers more efficient. I have an active Federal Court practice, and the State ECF is so much easier to use and more user friendly. Good work! Your people have done a splendid job."

Michael G. O'Neill, Esq.

"Overall experience with NYSCEF continues to be very positive. Our membership gives the system high marks for usability and reliability. We are especially grateful for the receptiveness of NYSCEF's administrators to ideas to improve the system and their responsiveness to concerns we may raise about one aspect of the system or another."

Timothy K. Beeken, Esq.

President, Managing Attorneys and Clerks Association, Inc.

"I am an older lawyer and I love e-filing."

Linda Markowitz, Esq.

"[T]he e-filing system is great and it is constantly being improved."

Carl E. Person, Esq.

"[NYSCEF] is much easier to use than the Federal Court's electronic filing system – which almost seems purposely hard to navigate or figure which category applies. Your system eliminated the kinks and really is User Friendly."

Robert J. Miletsky, Esq.

"[O]ur broad based and active committee has not had to file any negative comments this year. This is a result of the overwhelming support for e-filing in every county where it has been allowed both mandatorily or consensually."

Hon. Timothy C. Idoni

Chair, Advisory Committee on E-Filing in Supreme Court

"My practice is devoted exclusively to matrimonial law and I have been e-filing in cases in Westchester and Rockland Counties since it has been available. I have found it to be easy and convenient."

Mitchell Y. Cohen, Esq.

24. Submissions received from the various e-filing advisory committees are attached as [Appendix E](#); comments received from County Clerks are attached as [Appendix F](#); comments received from bar associations and other groups are attached as [Appendix G](#); and comments received from unaffiliated attorneys and other individuals are attached as [Appendix H](#).

2. Efficiency, Convenience and Productivity

Most commentators spoke of how e-filing has improved the efficiency and productivity of their offices or practices.

“My office has found e-filing to be easy, expedient, and has had a positive impact on the work flow for our staff.... [M]ore e-filing is better.”

B. Shamus O’Donniley, Esq.

“E-filing has made my office more efficient.... I strongly support legislation that would allow the Chief Administrative Judge to expand the mandatory e-filing program... [P]rovisions are made in all ‘mandatory’ e-filed cases for those who are unable to e-file or who do not have legal representation and do not wish to e-file.”

Hon. Elizabeth Larkin

County Clerk, Cortland County

“The implementation of electronic filing in the Office of the Kings County Clerk has been extremely successful. Attorneys, as well as litigants, continue to express their appreciation for the ease and efficiency of filing documents electronically from their home, office or any remote location with appropriate computer access.”

Hon. Nancy T. Sunshine

County Clerk, Kings County

3. Cost Savings

Other commentators spoke of the many opportunities for cost savings that e-filing offers, including the elimination of the burden and cost of serving papers on opposing parties, reduced need to travel to a courthouse to file papers, and reduced document storage and retrieval costs. Among such comments are the following:

“Electronic filing has saved time and expense for both clerk staff and our clients, and has dramatically increased accessibility to records by the public. Continued expansion of electronically filed record types will help grow those benefits.”

Hon. Adam J. Bello

County Clerk, Monroe County

E-filing is “[e]xtremely cost effective... Saves us time by not having to shuffle and file paper documents. Very efficient... There has been a lot of positive feedback from everyone that utilizes NYSCEF... Everyone involved with the filing of documents in the NYSCEF system has only positive comments. Overall, we have been pleased with e-filing and request that all case types be made mandatory.”

Hon. Donna Silberman

Deputy County Clerk, Rockland County

“On behalf of our Association, we wish to report that the electronic filing system has been very well received by our members and that the feedback we received has been overwhelmingly positive. Our membership has related that the system saves them time and the expense of having to physically file papers with the Court and County Clerk’s offices. The accessibility of filed documents is also a benefit to our members.”

Suzanne Vidal

Executive Director, Richmond County Bar Association

"[T]he cost savings are impressive with regards to the scanning of legal documents as well as storage of such papers in the County Clerk's Office. The NYSCEF system is a user friendly and efficient system and has been embraced by staff and the legal community as a reliable and comprehensive means to file their legal documents."

Hon. Timothy C. Idoni

County Clerk, Westchester County

"I write in support of mandatory e-filing in all litigated actions and proceedings. I and my office find it exceedingly efficient, less open to error, and uncannily user friendly... [O]ur charges to our clients for e-filing documents are far less expensive than the hourly rate charges for having to send an attorney, paralegal or clerk to file papers in person. Simply put, it is time for NY to join the vast majority of states that now employ e-filing for litigated matters."

Alton L. Abramowitz, Esq.

4. Environmental Impact

A number of commentators emphasized the "obvious environmental benefits of e-filing,"²⁵ as a result of a reduction in the paper consumed by litigation and the reduced need to travel for the purpose of filing and serving papers. Among the comments about e-filing as a "green" initiative are the following:

"Speaking as a small law firm user, [e-filing] has truly made our operations run more efficiently. . . . [A]nd our carbon footprint has been reduced...."

David Arpino, Esq.

Similarly, the Committee on Environmental Law of the New York City Bar Association spoke of the "wide range of significant environmental benefits"²⁶ that flow from e-filing, explaining that

"E-filing reduces the use of wood and energy and greenhouse gas emissions. In the past, vast amounts of wood and energy were consumed to produce paper that was filed in court by the parties to actions across the whole of the New York State court system. Additional environmental costs were incurred when copies were produced and served on all the parties to cases. And further such costs were incurred as attorneys and messengers traveled to court to deliver paper and to serve documents on parties to cases. E-filing allows us to reduce these environmental impacts flowing from the use of paper in the courts."

5. Expansion of E-filing and Elimination of Exceptions

Many commentators urged the expansion of e-filing and the elimination of legislative exceptions to mandatory e-filing. Many of such commentators especially urged that the present legislative restriction on mandatory e-filing in matrimonial cases be eliminated. A sampling of such comments follows

"My hope is that within the next year or two, New York (at least in the downstate and more populated upstate counties) will become a mandatory e-filing State in all of the Courts of record.... In 2018, e-filing should be mandatory systemwide."

Jason Tenenbaum, Esq.

25. New York County Lawyers Association, Supreme Court Committee, February 8, 2018.

26. Letter of Joseph K. Healy & Amy E. Turner, Esqs., Jan. 23, 2018.

“Our membership also enthusiastically supports expanding mandatory e-filing to some of the case categories that now are excluded, such as matrimonial actions and Article 78 proceedings. The ability to serve and file via NYSCEF generally makes those processes less time-consuming and more efficient.... We are enthusiastic supporters of the system, and eagerly await the launch of e-filing in the Appellate Division as well as other expansions of mandatory e-filing.”

Timothy K. Beeken, Esq.

President, Managing Attorneys and Clerks Association, Inc.

“Our membership is also in favor of the expansion of the program and the elimination of certain restrictions on electronic filing, provided that safeguards are available to protect clients’ personal and sensitive information. In particular, the expansion of the program to matrimonial actions would be appreciated by our matrimonial practitioners. Further, we welcome possible expansion of electronic filing to the Civil Court.”

Suzanne Vidal, Executive Director,

Richmond County Bar Association

“[T]he NYSCEF program has been met with tremendous success in our county [Westchester] and the Office of the Westchester County Clerk strongly supports expanding the types of civil case categories in Supreme Court. We proudly boast an 88% electronic filing volume in Westchester County in 2017. . . . We continue to support the elimination of restrictions for the electronic filing of civil case types such as matrimonial, Article 78, Election Law and Mental Hygiene Law cases.”

Hon. Timothy C. Idoni

County Clerk, Westchester County

“Please eliminate all restrictions that keep cases out of e-filing. We should expand e-filing to each and every court in this state at all levels....”

B. Shamus O’Donniley, Esq.

6. Solo and Small Firms

Other commentators spoke of how e-filing levels the playing field, and of the advantages that e-filing offers to solo or small firm practitioners.

“Speaking as a small law firm user, [e-filing] has truly made our operations run more efficiently. We are small enough that we do not outsource our e-filing to third party vendors like... large law firms do... In counties that have adopted e-filing, our firm’s productivity has increased....”

David Arpino, Esq.

“E-filing also fosters an equal playing field and full transparency for litigants and the public.”

New York County Lawyers Association

Supreme Court Committee

7. Rural Areas

E-filing offers particular benefits in rural areas, where attorneys and litigants often must travel long distances to file and serve papers. A number of commentators discussed e-filing in rural areas of the state.

“My sole comment is to encourage rural counties to use e-filing.”

Julia H. Purdy, Esq.

“[E-filing] is working well in Essex County....”

William E. Russell, Esq.

8. Working Copies

A concern that is frequently raised involves “working copies,” which are hard copies that some judges require to be submitted on motions in e-filed cases. Our commentators urge that requests for submission of working copies be sharply reduced or eliminated.²⁷

UCS response: The requirement of working copies is within the discretion of the presiding judge, and this practice cannot be reduced or eliminated by rule or central policy. However, we agree that the practice of requiring the submission of hard copies of e-filed documents should be reduced as soon as and to the fullest extent possible.

Over time, this issue will largely resolve itself, as judges become more comfortable working in a digital environment, and also as younger generations ascend to the bench. At the same time, we are doing what we can to encourage reduced judicial reliance upon working copies. Among the steps toward this end are the following:

- Providing judges (and staff) with e-filed documents with additional hardware, such as dual-screen monitors.
- Experimenting with the use of tablets by judges who do not require the submission of working copies.
- Enhancing NYSCEF features, such as text-searching.
- Developing an application that will allow judges to annotate e-filed documents. With this application, staff and judges can modify proposed orders and counter-orders submitted by the parties, rendering obsolete the old, time-consuming process under which orders were modified by handwritten marking

on the document, or perhaps by chambers returning a proposed order to the parties with directions to alter it in certain ways.

- Testing an application that will allow for the drafting of decisions and long form orders using a database of language and forms suited to the judge’s needs, together with a functionality that will permit the use of electronic signatures by judges.

We are making progress in our effort to make e-filing courts truly paperless. For example, in the Supreme Court, Civil Branch, New York County, there has been a significant reduction in the number of judges who routinely request working copies. Five years ago, eight Justices in this court routinely did not require the submission of working copies. In 2017, there were 14 Justices who work in this manner. Progress on this issue is also being made in other counties across the state,²⁸ and we will continue our efforts to reduce, to the fullest extent possible, judicial requests for working copies.

While most comments on working copies emphasized the burden imposed on litigants, one commentator raised a very different concern – the opportunity to defraud the court by submitting to chambers a working copy that materially differs from the papers e-filed, so that the court could decide a case “seeing information that the other side did not even know was submitted.”²⁹

UCS response: The concern expressed appears no more than theoretical, as neither this commentator nor anyone else suggest that such misconduct had in fact occurred. Indeed, it should be revealing that, with more than 1.6 million cases e-filed thus far, no such misconduct has been reported. The feared conduct would also violate the e-filing rules that require that any working copies the judge may require be exact copies of the documents e-filed with

27. Letter of B. Shamus O’Donniley, Esq., Dec. 28, 2017; E-Mail of Dina E. Farinano, Paralegal, Jan. 2, 2018; E-Mail of Carl E. Person, Esq., Dec. 30, 2017; E-Mail of Linda Markowitz, Esq., Jan. 2, 2018; E-Mail of Marie Smith, Legal Secretary, Dec. 28, 2017; Letter of Hon. Paul Piperato, Rockland County Clerk, Jan. 10, 2018; E-Mail of Mitchell Y. Cohen, Esq., Jan. 6, 2018; Letter of David Rosenberg, Esq., Jan. 8, 2018; E-Mail of Gary P. Kauget, Esq., Jan. 10, 2018; E-Mail of Janet D’Angelo, Esq., Jan. 10, 2018; E-Mail of Michael G. O’Neill, Esq., Jan. 2, 2018.

28. For example, in Supreme Court in the following counties as of last year’s report: five out of seven were “paperless” (Broome); only paper if over 50 pages long (Cortland); four paperless (Erie); two out of four paperless (Essex); eleven paperless (Monroe); one of four paperless (Niagara); two out of six paperless (Oneida); two out of seven paperless (Onondaga); paper very limited for all (Orange); one out of five paperless (Rockland); and ten paperless (Westchester).

29. E-Mail of John Nappi, Jan. 6, 2018.

NYSCEF,³⁰ and that the attorney must append to the working copy a Confirmation Notice that identifies the document as a copy of the papers filed with NYSCEF.³¹ Filing and serving one version of papers through NYSCEF and submitting a different version as a working copy would thus violate the e-filing rules and would be a misrepresentation of the facts set forth in the Confirmation Notice. Such deliberate misconduct would also risk the imposition of sanctions and perhaps disciplinary action, possibly suspension from practice or disbarment.

E-filing does not increase the opportunity for such fraud. Indeed, a practitioner intent on providing different versions of papers to the court and to opposing parties can perhaps do so more easily in the world of paper litigation – i.e., an attorney could serve one hard-copy version of papers on an opposing party, and file a different hard-copy version with the court, along with a false affidavit of service. Such egregious conduct cannot occur in an e-filed case since the document filed with the court through NYSCEF is the very same one served on participating parties.

Court rules and procedures attempt to ensure the integrity of the system, but abuse and fraud can occur in both the paper and electronic worlds. In many respects e-filing provides a most secure environment. We will continue to look for ways that protect against misconduct and manipulation, but, in the end, the integrity of our system – both hard copy and electronic – relies on the honesty of attorneys, clerks, and judges.

9. Affidavits of Service

Several commentators express concern about what is thought to be the need to file affidavits of service in e-filed cases, which they regard as inefficient and unnecessary.³² The attorneys' comment

is based on a reading of an e-filing rule that states, in part, that “[p]roof of service will be recorded on the NYSCEF site.”³³

UCS Response: The concern expressed is based on a basic misunderstanding of the e-filing system. In an e-filed case, parties are not required to file proof of service. NYSCEF is both a filing and service system. When a party e-files an interlocutory document, the NYSCEF system immediately generates an automatic email notification to all participating parties. The e-filing rules expressly state that “the electronic transmission of the notification shall constitute service of the document on the e-mail service addresses identified therein....”³⁴

The rule cited by these commentators, which states that “[p]roof of service will be recorded on the NYSCEF site,” is descriptive, not prescriptive. The use of the word “will” in the reference to proof of service is simply intended to describe what the NYSCEF system itself does – after sending email notification of the filing to all parties, the NYSCEF system automatically records that the notification was made. The rule does not say that a party “shall” record proof of service by filing an affidavit of service.³⁵

Although we believe the rule to be clear, the UCS will examine this question further and will consider whether a change should be made to the e-filing rules that removes all possible doubt about this.

10. Unrepresented Litigants

In response to the formal request for comments, there was only one written comment received that bears on e-filing by or upon unrepresented litigants – a comment from an unrepresented litigant who stated that “I am truly glad [e-filing] is available. It is a tremendous help. It is a time and money saver to the filers.” (Ildiko Nyari)³⁶

30. 22 NYCRR 202.5-b (a) (2) (vii).

31. 22 NYCRR 202.5-b (d) (5).

32. E-Mail of Richard Pertz, Esq., Dec. 23, 2017; E-Mail of Carl E. Person, Esq., Dec. 30, 2017; E-Mail of Linda Markowitz, Esq., Jan. 2, 2018; E-Mail of Christopher J. DelliCarpini, Esq., Jan. 11, 2018.

33. *Id.*

34. *Id.*

35. Note that the NYSCEF system does not serve papers on a non-participating party, such as an unrepresented person who has not chosen to e-file. In such cases, the party serving the document must serve the document in hard copy and then file proof of service.

36. Another unrepresented litigant, James Arolotta, submitted a comment, but did not address issues related to unrepresented litigants. Rather, he stated that while he understands “how e-file can be convenient,” the requirement of some judges to submit working copies was a burden, a view shared by many attorneys, as discussed above.

As noted above, in January 2018, UCS e-filing staff met with members of the legal services community and legislative staff to discuss issues related to unrepresented litigants and e-filing. Attendees raised a number of specific concerns, but the general sense of the meeting was that there has been progress in addressing most of the issues affecting unrepresented parties that had been previously identified. Very importantly, the attendees agreed that they would meet twice a year to continue the discussion of e-filing and the legal services attorneys also agreed to notify UCS e-filing staff as issues arise so that they could be promptly addressed.

Here follows a summary of the issues that were raised at the January 2018 meeting:

Sewer service. One attendee expressed concern that unrepresented persons might be victimized by sewer service in e-filed cases, which in this context means service effected through NYSCEF of which the unrepresented persons would be unaware.

UCS Response: As explained at the meeting, the risk of sewer service is in no way increased by e-filing. It is a risk inherent to both paper and electronic litigation. If anything, the risk is less under e-filing.

With respect to the commencement of litigation, the usual rules apply. The plaintiff must secure jurisdiction by serving, in hard copy, the summons and complaint on the defendant, even if the plaintiff commenced the action by e-filing (CPLR § 304 (b)).³⁷ There is no way within the NYSCEF System to serve documents on a defendant and there is no electronic “sewer” into which these documents can be deposited.

With respect to interlocutory documents, NYSCEF in no way facilitates sewer service. NYSCEF itself automatically serves e-filed documents on parties,

but only if there is an email address registered in the system to which to send these documents. In the case of an unrepresented litigant, there are only two ways that there can be an email address for the purposes of service. The first is if the unrepresented person chooses to opt-in to e-filing and completes all of the required steps to do so set forth above, including the providing of an email address. The other way is for an unscrupulous attorney to submit a false document in the name of the unrepresented defendant, opting in to e-filing and providing a false email address for the defendant for purposes of service.

In the latter case, the e-filing system no more facilitates sewer service than the paper system “facilitates” an unscrupulous attorney in filing of false paper affidavit of service of a hard-copy document. The issue raised by the commentator is an ethical – not technological – problem that can arise in all forms of litigation.

Judgments entered without notice. Another attendee expressed concern that a judgment might be entered in an e-filed case without the defendant/respondent’s being aware of that fact.

UCS Response: NYSCEF cannot be used to achieve sewer service in respect of a judgment any more than it has potential to facilitate sewer service of a summons and complaint. An unrepresented defendant in an e-filed case who has not chosen to opt into e-filing, must, under e-filing rules, be served by plaintiff in hard-copy format.

If the unrepresented defendant has chosen to opt in to e-filing, the defendant would have provided an email address at which he or she could receive copies of documents filed, including judgments. “Sewer” service is not possible, unless the opposing attorney has fraudulently submitted false documents to the court, opting in to e-filing on behalf of the defendant. The possibility of such unethical

37. The only exception is the very rare one in which the defendant has agreed to accept service of process and the commencement documents by electronic means. 22 NYCRR 202.5-b (b) (2) (i) (after commencement by filing with the County Clerk, “electronic service shall be made only upon... a party or parties who have consented thereto”). This cannot happen by accident to a technologically unsophisticated unrepresented defendant for the reason that will be explained shortly. Moreover, even if the defendant were to agree to accept service of the commencement documents electronically, that service must be made outside of NYSCEF because there is no pathway within NYSCEF that would permit the delivery of these documents to be made. Since e-filing and e-service under governing law must occur within the NYSCEF system and not by any other means, electronic sewer service with the inadvertent or uncomprehending “consent” of the defendant is an impossibility in e-filed cases.

conduct is not greater in the electronic than in the paper world.

Misinformation from clerks. Some attendees at the January 2018 meeting reported some instances of a clerk giving inaccurate information about e-filing to an unrepresented person.

UCS response: This is a training issue. We regularly communicate with and train court clerks and other appropriate staff with respect to e-filing rules and procedures, especially with respect to the very significant legislative shift in 2015 from an opt-out to an opt-in protocol for unrepresented litigants. As this issue has been brought to our attention, we have acted promptly to ensure that the involved employees and offices are fully aware of the proper procedures. We believe that the consensus at the meeting was that there has been improvement with respect to this issue. It was also agreed at the meeting that any further cases of misinformation should be brought to our attention as soon as possible, so that we know when and where the problem occurred and can address it promptly.³⁸

11. Screening for Confidential Information.

One commentator criticized the system governing confidential information and opposes further expansion of e-filing until there are “safeguards in place to protect the public from the actions of inattentive and/or lazy attorneys who cannot be bothered to follow the filing guidelines.”³⁹

UCS Response: As an initial matter, this comment is not truly directed at the e-filing program since the perceived problem does not occur (to the extent it does occur) because of anything in NYSCEF. It may be expected that the same “inattentive and/or lazy practitioners” would fail to comply with these rules in hard-copy cases, and there is no reason to expect that non-compliance in an e-filed case would create any greater difficulties than would be created by non-compliance in a hard-copy case.

Moreover, the court system has safeguards in place to help ensure that attorneys comply with mandatory rules regarding confidential information in e-filing. 22 NYCRR 202.5 (e) (1) provides that “confidential personal information,” such as social security numbers and financial account numbers, shall be omitted or redacted from documents filed with the court. The UCS has promulgated a form to be attached to filings in hard copy cases that reports on compliance with this rule. Similarly, when a document is filed with NYSCEF, the filer is prompted to report whether there is the presence or absence in the document of “confidential personal information in the documents filed.”

Further, as explained above, NYSCEF automatically screens every e-filed document for social security numbers, even though it is the filer’s responsibility to redact such numbers. If any such number is found, NYSCEF automatically redacts it in its public view function.

The commentator further suggests that court clerks should review every filing for the presence of “confidential personal information.” First, as noted earlier, it is the filer’s responsibility to ensure that there is no such information in documents filed. Second, shifting this duty to the courts would impose a significant burden on the court system.

12. Rejection of Documents

One of the commentators has expressed concern about the possibility that court clerks may interpose themselves between the attorney e-filing documents and the court by rejecting documents.⁴⁰

UCS Response: CPLR 2102 (c) provides that a clerk shall not reject a document presented for filing unless expressly empowered to do so by statute or court rule promulgated by the Chief Administrative Judge or order of the court. 22 NYCRR 202.5 (d) authorizes the court to reject a document only in limited circumstances, such as when the document is filed in the wrong court. These rules apply

38. The twice-yearly meeting between the UCS and legal services providers, alluded to earlier in this report, will serve as a useful forum for raising and resolving such problems.

39. E-Mail of Liz Gavin, Esq., Dec. 28, 2017.

40. Letter of B. Shamus O’Donniley, Esq., Dec. 28, 2017.

to the court clerk and the County Clerk, in both paper and e-filed cases.

NYSCEF does not allow the clerk to “reject” a document except as provided in Rule 202.5 (d). It does allow the clerk to return a document for correction. In such case, however, the document is still filed in its original form and remains in the docket under its original filing date. This feature merely allows the clerk to alert an attorney to an issue, so that the attorney may, if he or she agrees that there is a problem with the original filing, file an amended document, with the latter document relating back to the original filing date.

13. Technical Comments

A number of attorneys, without raising general issues about e-filing or criticisms of the system’s operation, suggested improvements of, or made comments regarding, various technical features of the NYSCEF e-filing application. For example, one attorney suggests a way to simplify the uploading of multiple exhibits.⁴¹ Another attorney suggests that the notice of e-filing be modified. In addition to the link to the document that has just been e-filed that is currently found within each notification, a link, it is suggested, should appear allowing the user to view from the notification all documents in the e-docket for that case, streamlining movement of users within the NYSCEF application.⁴² A third attorney urges that NYSCEF should be connected to the court system’s case notification system.⁴³ Other commentators made suggestions regarding technology in the courts that go beyond e-filing.⁴⁴ For example, one attorney urged expanded use of video conferencing and other technological capabilities to improve efficiency and reduce expense.⁴⁵

USC Response: Their narrow and technical character render most of these suggestions and comments, whatever their merits, beyond the scope of this report. The UCS e-filing team will

carefully examine each submission and evaluate its suitability for implementation. Indeed, as to some of these issues (e.g., the integration of NYSCEF and case management systems, expansion of video conferencing), work has already begun. In next year’s report, we will provide an update on our continuing efforts to improve the NYSCEF system.

41. E-Mail of Daniel G. Heyman, Esq., Jan. 8, 2018.

42. E-Mail of Steven A. Weg, Esq., Dec. 28, 2017. For other comments, see E-Mails of David Tolchin, Esq., Dec. 26, 2017 and Jan. 2, 2018; E-Mail of Ildiko Nyari, Dec. 25, 2017.

43. E-Mail of Robert J. Miletsky, Esq., Dec. 22, 2017.

44. Letter of B. Shamus O’Donniley, Esq., Dec. 28, 2017.

45. E-Mail of Richard Pertz, Esq., Dec. 23, 2017.

IV. Legislative Recommendations

The New York courts began an experiment with e-filing almost 19 years ago – an eternity in the digital universe. During the past two decades, NYSCEF has proven itself to be effective and reliable. Moreover, during that time, there has been a sea change in the attitude of judges, litigants, County Clerks, and others, who increasingly are coming to understand the many benefits of e-filing.

Overall, e-filing is working very well in New York State. As evidence of its success, the Legislature and court administration have broadly expanded authorization for its use to the point where it is now available, if not the norm for practice, in many courts throughout the State. Most recently, in 2015, the Legislature authorized the Chief Administrative Judge to implement mandatory e-filing in Supreme Court in any county, in most classes of cases; and the appellate Divisions to require e-filing in cases before them. Indeed, e-filing is well on its way to becoming the rule in much of New York’s legal practice. This said, there remain further statutory reforms that will assist our efforts to create a modern digital court system. We will pursue two of those changes during the current legislative session.⁴⁶

The first of the proposed changes calls for repeal of the current restrictions on the Chief Administrative Judge’s authority to institute mandatory e-filing programs for matrimonial, residential foreclosure, and consumer credit actions. The second change calls for extension of the sunset date, September 1, 2019, on the authorization for use of e-filing in certain Family Court and criminal cases, to permit a more reasonable and realistic timeframe for implementation of pilot projects and evaluation before the need for further legislative authorization.

A. Repeal of Certain Restrictions on Mandatory E-Filing

Chapter 237 of the Laws of 2015 authorized the Chief Administrative Judge to require e-filing in Supreme Court, without the need for specific legislative authorization, as was previously required. However, current law prohibits the Chief Administrative Judge from exercising that discretion in certain categories of cases, including matrimonial, residential foreclosure, and consumer debt cases. We recommend that these exclusions from the Chief Administrative Judge’s authority be repealed, so that he may mandate e-filing in such cases if, in his judgment, it is appropriate in a particular county, as it is with most other case types.

Our proposal would not otherwise change the legislative scheme with respect to mandatory e-filing. First, the authority of the Chief Administrative Judge would only apply to attorneys – unrepresented parties would participate in e-filing only if they chose to do so. Second, the Chief Administrative Judge would not exercise this authority without, as required by law, broad consultation with bar associations, legal service providers, attorneys practicing in the field involved, and many others, or without the approval of the County Clerk involved outside the City of New York.⁴⁷ The Chief Administrative Judge would exercise the requested authority in the same careful and collaborative manner in which he exercises existing authority

46. Jason Tenenbaum, Esq., a member of the Bars of New Jersey and Florida as well as New York, contrasts the approach to e-filing in the first two states with that in ours. The other two states, he reports, have broad mandates whereas New York appears to him to be an outlier. He urges that, within the next year or two, New York should establish mandatory e-filing in all the courts of record. “In 2018, e-filing should be mandatory system wide.” E-Mail of Jason Tenenbaum, Esq., Jan. 2, 2018. The Advisory Committee on E-Filing in Supreme Court reports that “[a] unanimous consensus of the committee is that the courts should be looking to implement mandatory e-filing throughout the state in all case types based on the hugely successful model taken over the past four years.” Letter of Hon. Timothy C. Itoni, Jan. 19, 2018.

47. CPLR § 2111 (b)(2)(C).

to establish mandatory e-filing programs, only proceeding in a particular venue, at a time that is appropriate to the particular circumstances.

1. Matrimonial Cases

There are a number of reasons for eliminating the categorical ban on mandating that attorneys e-file in matrimonial actions. Most importantly, there is now a substantial record of successful consensual e-filing in these cases. Consensual e-filing of these cases was first introduced in April 2013 in Westchester County, followed by Rockland County in January 2015, and, over the next several years, in 19 more counties across the state.⁴⁸ Since April 2013, more than 137,000 documents in more than 8,000 matrimonial cases⁴⁹ have been e-filed on a consensual basis. In Westchester County in 2017, 44% of the matrimonial cases filed were e-filed consensually.⁵⁰

In addition, there is broad support for e-filing in these cases and for the elimination of the ban on a mandatory program. For example, the Richmond County Bar Association writes that “[i]n particular, the expansion of the program to matrimonial actions would be appreciated by our matrimonial practitioners.”⁵¹ A matrimonial attorney who has been e-filing in Westchester and Rockland Counties since its inception there writes that he has found it to be easy and convenient.⁵² Another matrimonial practitioner wrote “in support of mandatory e-filing in all litigated actions and proceedings,” not-

ing that the program is “exceedingly efficient, less open to error, and uncannily user friendly.”⁵³ The Supreme Court Advisory Committee states that “[w]e are strongly advocating for the permission to allow for mandatory e-filing in certain cases in Supreme Court, such as matrimonial, Article 78 and Mental Hygiene Law cases....”⁵⁴

Many County Clerks also support the elimination of the ban on mandatory e-filing for matrimonial cases. The Hon. Timothy C. Idoni, County Clerk of Westchester County, where more than 4,500 consensual matrimonial cases have been e-filed since 2013, writes that “[w]e continue to encourage the use of electronic filing for this case type. Filers are becoming increasingly more comfortable and have eliminated any doubts that may have existed regarding confidentiality while utilizing electronic filing. The NYSCEF system has proven that the security and integrity of the documents in these cases is indeed well preserved.”⁵⁵

Furthermore, NYSCEF is a secure environment that provides robust protection for the confidentiality of matrimonial documents required by law (DRL § 235). Our experience with consensual e-filing in matrimonial cases substantiates this assertion. The administrative order that authorizes consensual e-filing in matrimonial cases in the counties identified provides, among other things, that documents e-filed in these cases shall not be available for public inspection online or at any computer terminal in the courthouse or the office of the

48. The nineteen other counties are: Broome, Chenango, Cortland, Dutchess, Essex, Jefferson, Lewis, Livingston, Monroe, New York, Onondaga, Ontario, Orange, Oswego, Putnam, Seneca, Steuben, Tompkins, and Wayne. Eight of these counties were authorized in the most recent Administrative Order (AO/116/18, Jan. 22, 2018).

49. As of Jan. 16, 2018.

50. Letter of Hon. Timothy C. Idoni, County Clerk, Westchester County, Jan. 10, 2018.

51. E-Mail of Suzanne Vidal, Executive Director, Richmond County Bar Assn., Jan. 5, 2018.

52. E-Mail of Mitchell Y. Cohen, Esq., Jan. 6, 2018.

53. E-Mail of Alton Abramowitz, Jan. 6, 2018.

54. Letter of Hon. Timothy C. Idoni, Advisory Committee on E-Filing in Supreme Court, Jan. 19, 2018.

55. Letter of Hon. Timothy C. Idoni, Jan. 10, 2018. Other County Clerks have also expressed support for lifting the restriction on the Chief Administrative Judge’s discretion in regard to mandatory e-filing of these cases. Letter of Hon. Adam J. Bello, Monroe County Clerk, Jan. 11, 2018; Letter of Hon. Paul Piperato, County Clerk, Rockland County, Jan. 10, 2018 (favoring expansion of all case types on a mandatory basis); Letter of Hon. Audrey I. Pfeffer, County Clerk, Queens County, Jan. 9, 2018 (all case types); Letter of Hon. Michael C. Bartolotti, County Clerk, Putnam County, Jan. 29, 2018 (all case types). Expressing support for expanding e-filing are Letter of Hon. Nancy T. Sunshine, County Clerk, Kings County, Jan. 18, 2018; Letter of Hon. Judith A. Pascale, County Clerk, Suffolk County, Jan. 11, 2018; Letter of Hon. Elizabeth Larkin, County Clerk, Cortland County, Dec. 26, 2017; Letter of Hon. Bradford H. Kendall, County Clerk, Dutchess County, Jan. 11, 2018.

County Clerk.⁵⁶ The system itself protects these documents by placing them behind a firewall that prevents access by anyone other than counsel, a participating unrepresented party, and the County Clerk or court staff who have specific authorization to work on such cases. Although, to date, more than 137,000 documents have been e-filed in matrimonial cases under the consensual program, we have been informed of no problems with the operation of NYSCEF's confidentiality shield.⁵⁷ Moreover, NYSCEF, as an automated application with built-in security, does not make errors that fallible humans sometimes make when dealing with hard-copy files.

Therefore, matrimonial files will, if anything, be more secure if documents are filed with NYSCEF rather than in hard copy.⁵⁸

In sum, the record of e-filing generally, our years of experience with consensual e-filing in matrimonial cases in particular, and the robust protections offered by the NYSCEF system fully justify the repeal of the current restrictions on the discretion of the Chief Administrative Judge to establish mandatory e-filing programs for attorneys in matrimonial cases.

2. Foreclosure and Consumer Credit Cases

The governing law also imposes substantial restrictions on the Chief Administrative Judge's ability to require e-filing in residential foreclosure actions involving a home loan and proceedings related to consumer credit transactions. In these two classes of cases, the Chief Administrative Judge is barred from mandating use of e-filing by attorneys, with the limited exception that he or she may require e-filing of the initial filing only by a represented party that commences the action.⁵⁹

The law also provides that the restriction on the Chief Administrative Judge's discretion in these two classes of cases does not apply to any county in which, prior to the effective date of chapter 237, i.e., August 31, 2015, the Chief Administrative Judge had mandated e-filing in such foreclosure actions (seven counties) and in such consumer credit actions (five counties).⁶⁰ There is, however, a sunset date for this provision regarding pre-Chapter 237 e-filing: it is now September 1, 2018, having been extended by one year in 2017.⁶¹

56. Administrative Order (AO/116/17), dated Jan. 22, 2018. The rules also bar e-filing of forensic evaluation reports in custody, visitation and other matters concerning children. *Id.*

57. The effectiveness of NYSCEF's protection of confidential documents is also demonstrated by our experience with e-filing in Surrogate's Court cases. More than 1.3 million documents have been e-filed in Surrogate Court cases, without a single complaint or problem with respect to a breach of confidentiality.

58. A few attorneys raised concerns regarding the confidentiality for sensitive information in these cases. These concerns, however, do not provide a reason why our proposal should not be enacted since there are already adequate confidentiality measures in place. One attorney stated that she supports consensual e-filing, but opposes a mandatory program. E-Mail of Marcy Blake, Esq., Dec. 22, 2017. She offers two reasons. The first is that the redaction required in some matrimonial cases "is highly burdensome." Matrimonial actions, however, are specifically exempted from the general redaction rule promulgated in November 2014. Instead, confidential personal information contained in matrimonial case files is protected by DRL § 235 and, as to matrimonial decisions, 22 NYCRR § 202.16 (m). In NYSCEF, case files in matrimonial matters are protected by an electronic firewall that complies with the statute and the rule. Therefore, these documents are more confidential than those filed in hard-copy form, as discussed earlier. Furthermore, this objection is not really directed to e-filing or to any purported impact it may be thought to have on the redaction process since the same objection could be raised with respect to hard-copy matters. The second reason offered is that at some time in the future, hacking may occur. The primary solution to this hypothetical concern, which would be applicable to any kind of case in NYSCEF, is for the court system to encrypt files and provide other forms of security. Such state-of-the-art protections are already in place in NYSCEF.

Another attorney suggests that the e-filing rules should require redaction of sensitive personal information, such as social security numbers, dates of birth and children's first names. Comment of unnamed attorney, Letter (undated) of Westchester County Bar Assn. This suggestion would go beyond the current redaction structure, explained earlier in this footnote, which exempts matrimonial cases from the general redaction rules in favor of DRL § 235 and 22 NYCRR § 202.16(m). However, the court system will consider whether, in addition to the NYSCEF firewall implementing DRL § 235, the redaction rule should be made applicable to matrimonial cases when they are e-filed because of concern about the risk of hacking. Furthermore, as was pointed out earlier, NYSCEF already screens all filings for the possible inclusion of social security numbers.

59. CPLR § 2111 (b)(2)(A).

60. CPLR § 2111 (b)(2-a). The counties in which such e-filing has been permitted in these foreclosure cases are Erie, Essex, New York, Queens, Rockland, Suffolk, and Westchester Counties. Those in which such e-filing has been permitted in consumer credit cases are Erie, New York, Onondaga, Rockland, and Westchester Counties. *Id.*

61. L. 2017, c. 99, § 3.

The Judiciary proposes that these restrictions on the discretion of the Chief Administrative Judge be eliminated in these two types of cases. These restrictions create unwanted complexity. The exception from the restriction expires on a date in the near future, which date, already extended, will have to be extended again if it is not, as we urge, removed along with the entire set of restrictions in these classes of cases. More important, we believe that it is unnecessary to impose these restrictions to avoid adverse impact on litigants in these two classes of cases.

Apart from confidentiality, the points we have made with regard to lifting the ban on matrimonial cases apply here as well. E-filing of residential foreclosure and consumer credit cases has worked well in the counties in which it has been permitted. We are not aware of any significant problems that have arisen in these cases. In particular, we are not aware of any difficulties that have arisen with respect to e-service in these cases.⁶² E-filing has no effect upon service of process and the acquisition of jurisdiction. We will return to this point in a moment.

We note that the New York State Association of County Clerks has expressed strong support for our approach to e-filing in residential foreclosure and consumer credit actions. In 2017, the Association expressed “great concern over the possibility that current legislation allowing certain counties to require mandatory e-filing of consumer credit and residential foreclosures may be allowed to sunset without legislation that would make this permanent. We strongly urge [the Judiciary] to support legislation that provides for mandatory e-filing of these two case types, not just in the grandfathered counties, but in all counties that request it.”⁶³ The Association added that “[a]llowing this provision to sunset would have a substantial negative fiscal impact in the affected counties.... We strongly urge [the Judiciary] to support making permanent the ability of counties to require mandatory e-filing of cases.”

On analysis, then, there is no reason to maintain the restraints on the authority of the Chief Administrative Judge to exercise discretion in residential foreclosure and consumer credit cases, and good reason why those restraints should be ended. These restrictions, should be lifted, and the Chief Administrative Judge should be allowed to exercise discretion as to when and where to require attorneys to file electronically.

B. Replacement of the Sunset on Authorization for E-Filing in Criminal and Family Court Cases

In authorizing e-filing in criminal and Family Court cases, chapter 237 provided for expiration of such authorization on September 1, 2019.⁶⁴ The Judiciary proposes that this sunset date be changed, and that it be fixed on September 1st in the second calendar year following the year in which rules authorizing an e-filing program in these cases take effect. In short, we call for establishment of a sunset date that will be two years after use of e-filing in Family Court and criminal courts actually begins.

This proposal would avoid the possibility that the Judiciary will need to request an extension, or more than one, of the sunset date now in effect. E-filing in criminal and Family Court cases is in its early stages at this point, as explained above. We are moving forward with e-filing with all deliberate speed, but the task is mammoth and complex, and the collaborative approach we are taking is time consuming. This proposal makes sense under the circumstances before us. It represents a practical approach that would ensure that the Legislature has an opportunity to reconsider the e-filing program in these categories of cases after there have been two years of experience with it in operation.

The Judiciary’s legislative proposal is annexed to this report as [Appendix A](#).

62. Last year, the County Clerk of Suffolk County discussed this issue and reported that no difficulties had come to the attention of her office. Letter of Hon. Judith A. Pascale, County Clerk, Suffolk County, March 11, 2017.

63. Letter of Bradford Kendall, President, and Michael Backus and Timothy C. Idoni, Co-Chairs, Legislative Committee, February 15, 2017. The County Clerks of Suffolk and Westchester Counties also submitted letters last year supporting legislation to end the sunset in these cases, and indeed to end other restrictions on mandatory e-filing as well. Letter of Hon. Judith A. Pascale, County Clerk, Suffolk County, March 11, 2017; Letter of Hon. Timothy C. Idoni, County Clerk, Westchester County, March 31, 2017.

64. Section 11 of Chapter 237.

V. Conclusion

Before long, we will celebrate 20 years since New York started down the e-filing path. The record of our experience over that time, and the comments we have received this year, in prior years, and in other settings demonstrate that e-filing is working very well in the courts of this state, for litigants, practitioners, judges, courts and County Clerks, and that we continue to make encouraging progress across many fronts. The modest legislative changes we propose are necessary to carry us further toward the digital court system that Chief Judge Janet DiFiore and her recent predecessors, Chief Judge Lippman and Chief Judge Kaye, have envisioned.

Appendix A

Judiciary's Legislative Proposal

Appendix A

OCA 2018-89

An act to amend the civil practice law and rules, in relation to electronic filing; to amend chapter 237 of the laws of 2015 amending the judiciary law and other laws relating to use of electronic means for the commencement and filing of papers in certain actions and proceedings, in relation to the use of electronic means for the commencement and filing of papers in certain actions and proceedings; and to repeal paragraph 2-a of subdivision (b) of section 2111 of the civil practice law and rules, relating to residential foreclosure actions involving a home loan

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subparagraph (A) of paragraph 2 of subdivision (b) of section 2111 of the civil practice law and rules, as added by chapter 237 of the laws of 2015, is amended to read as follows:

(A) one or more classes of cases (excluding [matrimonial actions as defined by the civil practice law and rules,] election law proceedings, proceedings brought pursuant to article seventy or seventy-eight of this chapter[,] and proceedings brought pursuant to the mental hygiene law[, residential foreclosure actions involving a home loan as such term is defined in section thirteen hundred four of the real property actions and proceedings law and proceedings related to consumer credit transactions as defined in subdivision (f) of section one hundred five of this chapter, except that the chief administrator, in accordance with this paragraph, may eliminate the requirement of consent to participate in this program insofar as it applies to the initial filing by a represented party of papers required for the commencement of residential foreclosure actions involving a home loan as such term is defined in section thirteen hundred four of the real property actions and proceedings law and the initial filing by a represented party of papers required for the commencement of proceedings related to consumer credit transactions

Appendix A

as defined in subdivision (f) of section one hundred five of this chapter) in supreme court in such counties as he or she shall specify]], and

§2. Paragraph 2-a of subdivision (b) of section 2111 of the civil practice law and rules is REPEALED.

§3. Section 11 of chapter 237 of the laws of 2015, as amended by chapter 99 of the laws of 2017, is amended to read as follows:

§11. This act shall take effect immediately; provided that sections four, five, six and seven of this act shall expire and be deemed repealed on the first of September [1, 2019; and provided that paragraph 2-a of subdivision (b) of section 2111 of the civil practice law and rules, as added by section two of this act, shall expire and be deemed repealed September 1, 2018] in the second calendar year following the year in which rules authorizing a program for the use of electronic means as permitted under such sections first take effect; provided further, that the chief administrator of the courts shall notify the legislative bill drafting commission of the date of such rules first take effect in order that the commission may maintain an accurate and timely effective date base of the official text of the laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law.

§4. This act shall take effect immediately.

OCA 2018-89

IN SUPPORT OF

S.

A.

An act to amend the civil practice law and rules, in relation to electronic filing; to amend chapter 237 of the laws of 2015 amending the judiciary law and other laws relating to use of electronic means for the commencement and filing of papers in certain actions and proceedings, in relation to the use of electronic means for the commencement and filing of papers in certain actions and proceedings; and to repeal paragraph 2-a of subdivision (b) of section 2111 of the civil practice law and rules, relating to residential foreclosure actions involving a home loan

This measure is being introduced at the request of the Chief Judge of the State and the Chief Administrative Judge.

As far back as 1999, the State began to introduce pilot programs in the use of electronic means to commence certain categories of cases and to file court papers with judges and with adverse parties (“e-filing”). See L. 1999, c. 367. In the years since, those programs have been continued and progressively expanded – to apply to a broader spectrum of cases in additional courts. As has been well-documented in numerous analyses and reports prepared over the years to assess the effectiveness of e-filing in New York’s State courts, the pilot programs have been very successful and been greeted with great enthusiasm by both bench and bar.

Recognizing this, the Legislature, in 2015 (L. 2015, c. 237), made several major changes in the statutes authorizing use of e-filing programs, to make them available on a more permanent and extended basis. These changes included (i) conferral of permanent authority upon the Chief Administrative Judge, with the agreement of County Clerks in affected counties and subject to categorical exclusion for certain case types (*i.e.*, matrimonial actions, CPLR Article 70 and 78 proceedings, MHL proceedings, Election Law proceedings and certain residential foreclosure and consumer debt proceedings), to require mandatory e-filing in Supreme Court civil parts in such counties and classes of cases as he or she shall specify; (ii) continued authorization, subject to a September 1, 2019 sunset, for use of e-filing, both consensual and mandatory, in criminal superior courts and Family Court; (iii) conferral of permanent authority upon the Chief Administrative Judge to institute programs of consensual and mandatory e-filing in Surrogate’s Court and the New York City Civil Court; and programs for consensual e-filing (and filing by

Appendix A

FAX) in the Court of Claims; (iv) authorization for use of e-filing in the Appellate Divisions at the discretion of each Judicial Department subject only to the same case exclusions for mandatory e-filing as are applied in the trial courts; and (v) relocation of statutes governing e-filing from the State's Unconsolidated Laws to appropriate locations in the Consolidated Laws. Last session, the Legislature built upon this framework by eliminating the exclusions from mandatory e-filing in the Appellate Divisions. L. 2017, c. 99.

The instant measure, following in the spirit of the 2015 legislation, would make several further changes in the e-filing statutes – for the purpose of enabling fuller deployment of what has been amply demonstrated to be a practical and economically sound use of technology to enable optimally expeditious and effective exchange of papers by parties to a lawsuit between themselves and with the court. The measure calls for:

- elimination of the present exclusion of matrimonial actions from mandatory e-filing programs in Supreme Court. E-filing in matrimonial cases has long been used on a consensual basis and all indications are that requiring its use in those cases would be no less appropriate than it is in other classes of cases that now are subject to mandatory e-filing. Also, we are advised that there are many in the matrimonial bar, along with most County Clerks, who strongly favor extending mandatory e-filing to matrimonial actions for many reasons not least of which is the fact that maintaining dual-track filing systems is cumbersome and costly.
- elimination of the present exclusion as to residential foreclosure and consumer debt actions from mandatory e-filing programs in Supreme Court. Under present law, other than for purposes of initial filings in these cases and, until September 1, 2018 (*see* L. 2017, c. 99), with exemption for certain statutorily-stipulated counties where mandatory e-filing was in effect prior to 2015, e-filing may not be made mandatory in these cases. And, yet, the experience we have had in the exempt counties since 2015 has been highly positive, with no indication of problems that would contraindicate continued application of mandatory e-filing in them beyond the coming sunset, or, indeed, that would dictate against permanent elimination of the existing exclusion for the benefit of practitioners in all counties.
- a reset of the September 1, 2019 sunset for use of e-filing in criminal and Family Court so that it will be two years after such use actually begins. As it is unclear at this time exactly when pilot e-filing programs can be rolled out in these courts, having a fixed sunset makes little sense. In all likelihood, it will necessitate periodic trips back to the Legislature to re-up the sunset so as to permit a future pilot to go forth. A more practical approach, as promoted in this measure, would be for the sunset to be revised so that it is geared to kick in only after a pilot program is put in place.

This measure, which would have no fiscal impact on the State or local government, would take effect immediately.

Legislative History: None. New proposal.

Appendix B

Letters of the Chief Administrative
Judge and Notices Seeking Comment

Appendix B

State of New York
Unified Court System



Lawrence K. Marks
Chief Administrative Judge

25 Beaver Street
New York, N.Y. 10004
(212) 428-2100

December 15, 2017

To: Bar Associations, Legal Service Providers,
Other Interested Organizations, and Attorneys

Re: New York State Courts Electronic Filing Program

Dear Counsel:

Pursuant to Section 212 of the Judiciary Law, the Chief Administrative Judge of the State of New York must submit to the Legislature, the Governor, and the Chief Judge an annual report evaluating the state's experience with electronic filing and containing recommendations for further legislation. In connection with the preparation of this report, which is due February 1, 2018, I write to invite comments about the implementation of the e-filing program.

I am also inviting comments on proposed legislative changes that we are considering for inclusion in the February report. The changes under consideration relate to the authority of the Chief Administrative Judge to expand mandatory e-filing. Under current law, the Chief Administrative Judge decides the courts and case types in which e-filing should proceed. Mandatory e-filing, however, is prohibited in certain civil case categories in Supreme Court, such as matrimonial, election, Article 78 and Mental Hygiene Law cases, and in many case types in New York City Civil Court.

We are considering a proposal that would eliminate some of these prohibitions, and invite comments on this proposed legislative change. In particular, we invite comments about the proposal with respect to matrimonial cases. Currently, e-filing in matrimonial cases on a consensual basis is authorized in 13 counties: Broome, Cortland, Dutchess, Livingston, New York, Ontario, Orange, Oswego, Putnam, Rockland, Steuben, Tompkins, and Westchester Counties. Across these counties more than 7,700 matrimonial cases have been e-filed to date. Comments from members of the bar with experience in consensual e-filing in matrimonial cases are particularly welcome.

If any of the current legislative exclusions from mandatory e-filing were eliminated, a

Appendix B

mandatory program could be implemented by order of the Chief Administrative Judge issued only after consultation with the Bar, legal services providers and other groups. Moreover, in Supreme Court, the consent of the County Clerk of an affected county outside New York City would be required.

This proposal would not affect other existing provisions in the e-filing legislation. For example, unrepresented persons would continue to be exempt from e-filing unless they affirmatively choose to participate in a particular case. Also, attorneys lacking the necessary equipment or knowledge would continue to have the right to opt out of e-filing. Furthermore, the e-filing system would continue to provide for confidential treatment of cases such as matrimonial actions.

In order that we may have the time needed to prepare the report, please submit any comments by January 5, 2018. All comments received will be included in the 2018 report. Comments should be sent by e-mail or regular mail to either of the following addresses:

Jeffrey Carucci
Statewide Coordinator for Electronic Filing
NYS Unified Court System
New York County Courthouse
60 Centre Street, Room 119 M
New York, New York 10007
or
efilingcomments@nycourts.gov

We look forward to your comments on this program.

Very truly yours,

A handwritten signature in black ink, appearing to read "James H. Spill". The signature is written in a cursive style with a large, looping initial "J".

Appendix B

State of New York
Unified Court System



Lawrence K. Marks
Chief Administrative Judge

25 Beaver Street
New York, N.Y. 10004
(212) 428-2100

December 13, 2017

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Other Interested Organizations, and Attorneys

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Dear Counsel:

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If any of the current legislative exclusions from mandatory e-filing were eliminated, a mandatory program could be implemented by order of the Chief Administrative Judge issued only after consultation with the Bar, the legal services providers and other groups. Moreover, in Supreme Court, the consent of the County Clerk of an affected county outside New York City would be required.

This proposal would not affect other existing provisions in the e-filing legislation. For example, unrepresented persons would continue to be exempt from e-filing unless they affirmatively choose to participate in a particular case. Also, attorneys lacking the necessary

Appendix B

equipment or knowledge would continue to have the right to opt out of e-filing. Furthermore, the e-filing system would continue to provide for confidential treatment of cases such as matrimonial actions.

In order that we may have the time needed to prepare the report, please submit any comments by January 5, 2018. All comments received will be included in the 2018 report. Comments should be sent by e-mail or regular mail to either of the following addresses:

Jeffrey Carucci
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NYS Unified Court System
New York County Courthouse
60 Centre Street, Room 119 M
New York, New York 10007
or
efilingcomments@nycourts.gov

We look forward to your comments on this program.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeffrey Carucci". The signature is written in a cursive style with a large, looping initial "J".

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Request for Public Comment

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State of Our Judiciary 2017

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RULES

E-Filing - Expansion of Mandatory E-Filing Programs in the New York State Courts



Request For Public Comment

In preparation for an annual report on the subject of electronic filing (e-filing), to be submitted to the Legislature, the Governor, and the Chief Judge, the Chief Administrative Judge is seeking comments from the public about the Unified Court System's e-filing program. Observations and recommendations on this subject are welcome from attorneys, litigants, and other members of the public. [Notice](#)

Interested parties may email comments to efilingcomments@nycourts.gov, or submit by letter to Jeff Carucci, Statewide Coordinator for Electronic Filing, NYS Unified Court System, New York County Courthouse, 60 Centre Street, Room 119 M, New York, NY 10007. Comments must be received no later than January 11, 2018. (Date has been extended from January 5, 2018 to January 11, 2018).

Comments received will be posted on the website of the Court System and included in the report. The report will also address such comments.

Introduction

Chapter 237 of the Laws of 2015 authorizes the Chief Administrative Judge to implement new mandatory e-filing programs in most classes of cases in counties throughout New York State. Under the legislation, the Chief Administrative Judge may not implement new mandatory e-filing programs in any county without first consulting with and considering public comment solicited from the following organizations and persons: the County Clerk of such county, the organized bar, institutional and not-for-profit legal service providers, attorneys assigned pursuant to County Law Article 18-b, attorneys who regularly appear in proceedings that have been or may be affected by e-filing programs, and any other persons deemed appropriate.

This page has been established for the purpose of posting for public review all comments submitted in connection with the proposed implementation of new mandatory e-filing programs, and for posting of public comments submitted by persons affected by any existing e-filing programs or by recommendations for further legislation relating to e-filing.

Please email comments to: efilingcomments@nycourts.gov

NYSCEF

Welcome to NYS Courts Electronic Filing (NYSCEF)

NYSCEF is a program that permits the filing of legal papers by electronic means with the County Clerk or appropriate court and offers electronic service of papers in those cases.

Not an Attorney? To e-file without an attorney, visit our [Unrepresented Litigants](#) website.

NOTE: NYSCEF has both a Live system and a Training system. Each system requires you to register and obtain a distinct User ID and Password.

Authorized Courts and Case Types

Notice Seeking Comments on Electronic Filing Program

In preparation for an annual report on e-filing, to be submitted to the Chief Judge, the Governor, and the Legislature, the Chief Administrative Judge is seeking comments from the public addressing users' experience with NYSCEF. Observations and recommendations are welcome from attorneys, litigants, and other members of the public. [View Posted Notice](#)
Interested parties may email comments to efilingcomments@nycourts.gov, or submit them by letter to Jeffrey Carucci, Statewide Coordinator for E-Filing 60 Centre Street, Room 119H - New York, New York 10007. Comments must be received no later than January 11, 2018 (Date has been extended from January 5, 2018 to January 11, 2018).

Supreme Court

File documents electronically in Supreme Court (this includes SCAR petitions)

Court of Claims

File documents electronically in the Court of Claims

Surrogate's Court

File documents electronically in Surrogate's Court

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New York State Unified Court System

NYSCEF: Unrepresented Litigants

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Filing Papers Over the Internet (E-Filing)

Welcome! This website is for people who don't have an attorney and want to e-file their court papers or want to learn more about the New York State Courts' e-filing system. The New York State Courts' e-filing system is called NYSCEF, for short.

Important! NYSCEF does not make court papers for you. NYSCEF lets you upload your finished papers to the court. If you have not made your court papers and need information or forms, visit the [CourtHelp](#) website.

Step 1: Create an Account

E-filing Basics

Use the E-filing Checklist to see if you can e-file. Create an e-filing account if you are a new user or a returning user and want to e-file in a new case.

Step 2: Log-in

Log-in Basics

If you have an e-filing account, use the Log-in Checklist to see if you are ready to e-file in the NYSCEF system.

Take our Survey

How can we make the Unrepresented Litigants' e-filing website easier for you?

Quick Links:

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The NYS Court System is expanding e-filing and wants to know what you think.

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Appendix B

New Note!
NEW YORK COUNTY
Supreme Court
Notice Seeking Comments On
Electronic Filing Program

In accordance with Section 212 of the Judiciary Law, the Chief Administrative Judge of the State of New York will submit to the Legislature, the Governor, and the Chief Judge not later than February 1, 2018, a report evaluating the state's experience with electronic filing for the commencement of actions and proceedings and the service and filing of papers therein and containing such recommendations for further legislation as are deemed appropriate. The Unified Court System welcomes the submission of comments about the implementation of the electronic filing program from the organized bar; legal services groups; public defenders; 18-B attorneys; unaffiliated attorneys; victims' rights organizations; persons in whose county a program has been implemented in any of the courts therein; unrepresented parties; and any other interested persons. Comments received will be posted on the website of the Court System and included in the report. The report will also address such comments.

Comments should be submitted to Jeffrey Carucci, Statewide Coordinator for Electronic Filing, on or before January 11, 2018. Comments should be sent by e-mail or regular mail to one of the following addresses:

Jeffrey Carucci
Statewide Coordinator for
Electronic Filing
NYS Unified Court System
New York County Courthouse
60 Centre Street, Room 119 M
New York, New York 10007

E-mail: efilingcomments@nycourts.gov

NY Law
Journal,
12/27/17

Appendix C

E-Filing Advisory Committees

Appendix C

SUPREME COURT (CIVIL) ADVISORY COMMITTEE ONE-FILING

For Purposes of Statutory Consultation Requirement under L. 2015, c. 237.

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Hon. Nancy T. Sunshine
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For Purposes of Statutory Consultation Requirement under L. 2015, c. 237.

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Administrative Judge, 7th Judicial
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Appendix C

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For Purposes of Statutory Consultation Requirement under L. 2015, c. 237.

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Appendix C

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Appendix D

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to which Solicitations Were Sent

Appendix D

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Association of Black Women Attorneys, Inc.

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info@abwanewyork.org

Brehon Law Society

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President
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Bronx Women's Bar Association

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Guild of Catholic Lawyers, Inc.
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Columbian Lawyers Association

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The Defense Association of New York, Inc.

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The Defense Association of New York, Inc.

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Irish American Bar Association

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Jewish Lawyers Guild, Inc.

Abrams, Gorelick, Friedman & Jacobson, P.C.

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Metropolitan Black Bar Association

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National Lawyers Guild (New York City Chap.)

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Appendix D

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The Legal Aid Society
Kings County Brooklyn Civil Neighborhood Office
111 Livingston Street, 7th Floor
Brooklyn, NY 11201

The Legal Aid Society Kings County Criminal Defense Division
111 Livingston Street, 9th Floor
Brooklyn, NY 11201

The Legal Aid Society Kings County Juvenile Rights Division
111 Livingston Street, 8th Floor
Brooklyn, NY 11201

Legal Services NYC
40 Worth Street, 6th Floor
New York, NY 10013

Legal Services NYC
1 West 125th Street, 2nd Floor
New York, NY 10027

Legal Services NYC - Brooklyn
105 Court Street, 3rd Floor
Brooklyn, NY 11201

NYS Mental Hygiene Legal Service 2nd Judicial Dept.
170 Old Country Road, Suite 500
Mineola, NY 11501

(also serves Kings County)

Creedmoor Psychiatric Center NYS Mental Hygiene Legal Service
2nd Dept, 2nd, 11th, & 13th Judicial District Office
80-45 Winchester Blvd., 1st Fl. Bldg. 73 CBU #25
Queens Village, NY 11427
(also serves Kings County)

Sanctuary for Families Center for Battered Women
30 Wall Street, 8th Floor
New York, NY 10005
(also serves Kings County)

South Brooklyn Legal Services
105 Court Street, 3rd Floor
Brooklyn, NY 11201

Shriver Tyler Macerate Center For Justice
260 Broadway, Suite 2
Brooklyn, NY 11211

3RD JUDICIAL DISTRICT (ALBANY, COLUMBIA, GREENE, RENSSELAER, SCHOHARIE, SULLIVAN, ULSTER COUNTIES)

ALBANY COUNTY

Albany County Bar Association
112 State Street, Suite 1120
Albany, NY 12207
Attn: Hon. Christina Ryba, President
acba@albanycountybar.ccim
mrhodes@albanycountybar.com
chrissyleann@yahoo.com

Albany County Assigned Counsel Plan
1rosen50@hotmail.com

Capital District Black & Hispanic Bar Association
P.O. Box 5252, Albany, NY 12205.
Patricia L.P. Rodriguez, Esq.,
President

Capital District Women's Bar Association
P.O. Box 3747 Albany, NY 12203
Linda B. Johnson, Esq., President

Victor P. DeAmelia, Esq. Div. of Human Rights
Corning Tower Empire State Plaza,
28th Floor
Albany, NY 12205
deamelialaw@gmail.com

Appendix D

Empire Justice Center

119 Washington Avenue, 2nd Floor,
Albany, NY 12210
santos@empirejustice.org

Office of Indigent Legal Services

State Capitol, Room 128, Albany, NY
12224

NYS Office of Indigent Legal Services

Alfred E. Smith Bldg, 80 S. Swan
Street, 29th, Albany, NY 12210
Info@ils.ny.gov

Legal Aid Society of Northeastern New York, Inc.

55 Colvin Avenue, Albany, NY 12206
lmoy@lasnny.org
(Serving Albany, Columbia, Greene,
Rensselaer and Schenectady
Counties)

The Legal Project, Capital District Women

24 Aviation Road, Albany, NY 12205
P.O. Box 3747, Albany, NY 12203
administrator@cdwba.org

NYS Mental Hygiene Legal Service Third Department

286 Washington Avenue. Ext., Suite
205, Albany, NY 12203-6320

Prisoners' Legal Services of New York Central Office

41 State Street, Suite M112, Albany,
NY 12207

Public Defender Albany County

60 S. Pearl Street
Albany, NY 12207

Albany County Public Defender (Alternate)

112 State Street, Suite 1010, Albany,
NY 12207

NYSBA

One Elk Street, Albany, NY 12207
Michael Miller, President elect
Sharon Stern Gerstman, President
kbaxter@nysba.org
jnagel@nysba.org
rkennedy@nysba.org;
jpatterson@nysba.org;
melissa.jeffers@albanycounty.com
sherri.brooks@albanycountyny.gov

NYS Academy of Trial Lawyers

39 North Pearl Street, 6th Floor
Albany, NY 12207
Andrew Smiley, President
Letro, President Elect
info@trialacademy.org

NYSACDL

90 State Street, Suite 700
Albany, NY 12207
Jennifer L. Van Ort, Executive Director

NY State Defenders Association, Inc.

194 Washington Avenue, Suite 500
Albany, NY 12210-2314
Susan C. Bryant, Deputy Director
info@nysda.org

Women's Bar Association of the State of New York

Post Office Box 936
New York, NY 10024-0536
Amy Baldwin Littman, Esq. President
altman@wbasny.org
Greta K. Kolcon, Esq. President elect
gkolcon@wbasny.org
info@wbasny.org

NYSTLA

132 Nassau Street, Ste 200
New York, NY 10038
Mathew A. Funk, Esq., President
David M. Oddo, Esq., President Elect
info@nystla.org

COLUMBIA COUNTY

Columbia County Bar Association

3223 Church Street, P.O. Box 811
Valatie, NY 12181

Legal Aid Society of Northeastern New York, Inc.

55 Colvin Avenue
Albany, NY 12206
info@lasnny.org

NYS Mental Hygiene Legal Service Third Department

286 Washington Avenue Ext., Suite
205, Albany, NY 12203-6320

Public Defender Columbia County

610 State Street
Hudson, NY 12534
robert.linville@columbiacountyny.com

Columbia County Conflict Defender

Columbia County 1st Alternate
Conflict Defender,
Columbia County 2nd Alternate
Conflict Defender
Rural Law Center of New York
22 U.S. Oval, Suite 203, Plattsburgh,
NY 12903
(Also serves Columbia County)

GREENE COUNTY

Greene County Bar Association

Greene County Courthouse
Library 320 Main Street
Catskill, NY 12414

Legal Aid Society of Northeastern New York, Inc.

55 Colvin Avenue, Albany, NY 12206
info@lasnny.org
(also serves Greene County)
necareer@excite.com sp324@aol.com
dennismcevoylaw@gmail.com

NYS Mental Hygiene Legal Service Third Department

286 Washington Avenue Ext., Suite
205, Albany, NY 12203-6320
(Also serves Greene County)

Public Defender Greene County

Greene County Office Building
411 Main Street, 2nd Floor
Catskill, NY 12414
publicdefender@discovergreene.com
Ascaturro@discovergreene.com
Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903

RENSELAER COUNTY

Rensselaer County Bar Association

Rensselaer County Attorney Office
Ned Pattison Govt. Center
P.O. Box 395 1600 7th Avenue
Troy, NY 12181
info@renscobar.org

Rensselaer County Conflict Defender

Assigned Counsel Plan of Rensselaer
County, Rensselaer County Attorney
Ned Pattison County Government
Center, 1600 7th Avenue
Troy, NY 12180
smccarthy@rensco.com
spechenik@rer.isco.com

Stephen A. Pechenik, County Atty.

Assigned Counsel Plan of Rensselaer
County, Rensselaer County Attorney
Ned Pattison County Government
Center
1600 7th Avenue, Troy, NY 12180

Legal Aid Society of Northeastern New York, Inc.

55 Colvin Avenue, Albany, NY 12206
info@lasnny.org
(also serves Rensselaer County)

The Legal Project, Capital District Women

24 Aviation Road, Albany, NY 12205
info@legalproject.org
(also serves Rensselaer County)

NYS Mental Hygiene Legal Service Third Department

286 Washington Avenue Ext., Suite
205, Albany, NY 12203-6320

Public Defender

Rensselaer County Courthouse

Appendix D

80 Second Street
Troy, NY 12180

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903

SCHOHARIE COUNTY

Schoharie County Bar Association
P.O. Box 613
Cobleskill, NY 12043

Assigned Counsel Plan of Schoharie County
P.O. Box 613
Cobleskill, NY 12043
jturi@renesco.com
shgraulich@gmail.com

Legal Aid Society of Northeastern New York, Inc.
1 Kimball Street
Amsterdam, NY 12010
(also serves Schoharie County)

NYS Mental Hygiene Legal Service Third Department
286 Washington Avenue Ext., Suite 205, Albany, NY 12203-6320
(Also serves Schoharie County)
Rural Law Center of New York 22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Schoharie County)

SULLIVAN COUNTY

Sullivan County Bar Association
P.O. Box 424
Monticello, NY 12701

Women's Bar Assn of Orange & Sullivan Counties
P.O. Box 911
Warwick, NY 10990

Legal Services of the Hudson Valley
90 Maple Avenue
White Plains, NY 10601
(also serves Sullivan County)

NYS Mental Hygiene Legal Service Third Department
286 Washington Avenue Ext., Suite 205, Albany, NY 12203-6320
(also serves Sullivan County)
Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(also serves Sullivan County)

Sullivan Legal Aid Panel, Inc.
11 Bank Street
Monticello, NY 12701-1701
Sullivan County Conflict Legal Aid Bureau
joelmproyect@gmail.com

ULSTER COUNTY

Ulster County Bar Association
P.O. Box 3084
Kingston, NY 12402
ulstercountybar@gmail.com

Ulster County Bar Association
Ulster County District Attorney's Office, 275 Wall Street
Kingston, NY 12401
Matthew M. Jankowski, President

Farmworker Law Project Legal Aid Society of Mid-New York
52 S. Manheim Blvd.
New Paltz, NY 12561
csibley@wnylc.com

Legal Services of the Hudson Valley
90 Maple Avenue
White Plains, NY 10601
(also serves Ulster County)

Legal Services of the Hudson Valley
550 Aaron Court
Kingston, NY 12401

NYS Mental Hygiene Legal Service Third Department
286 Washington Avenue Ext., Suite 205, Albany, NY 12203-6320

Public Defender Ulster County
P.O. Box 1800 Kingston, NY 12402
akos@co.ulster.ny.us

4TH JUDICIAL DISTRICT (CLINTON, ESSEX, FRANKLIN, FULTON, HAMILTON, MONTGOMERY, SARATOGA, SCHENECTADY, ST. LAWRENCE, WARREN, WASHINGTON COUNTIES)

CLINTON COUNTY

Assigned Counsel Plan of Clinton County
Stafford, Piller, Murnane, Kelleher & Trombley, P.L.L.C.
1 Cumberland Avenue
Plattsburgh, NY 12901

Legal Aid Society of Northeastern New York, Inc.
P.O. Box 989
Plattsburgh, NY 12901

NYS Mental Hygiene Legal Service Third Department
286 Washington Avenue Ext., Suite 205, Albany, NY 12203-6320
(also serves Clinton County)
Rural Law Center of New York

22 U.S. Oval, Suite 203
Plattsburgh, NY 12903

Prisoners' Legal Services of New York
121 Bridge Street, Suite 202
Plattsburgh, NY 12901

Clinton County Bar Association,
Joseph Mucia, Esq., President
joseph@nilesbracy.com

ESSEX COUNTY

Essex County Bar Association
7551 Court Street, P.O. Box 217
Elizabethtown, NY 12932
dscaglione@co.essex.ny.us

Legal Aid Society of Northeastern New York, Inc.
100 Court Street
Plattsburgh, NY 12901
(also serves Essex County)

NYS Mental Hygiene Legal Service Third Department
286 Washington Avenue Ext., Suite 205, Albany, NY 12203-6320
(Also serves Essex County)
Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Essex County)

Essex County Public Defender
bboutelle@co.essex.ny.us

FRANKLIN COUNTY

Federation of the Bar Associations of the Fourth Judicial District
367 W. Main Street, Suite 3
Malone, NY 12953

Franklin County Bar Association
P.O. Box 788 Malone, NY 12953
Mark Flack Wells, Esq., President
mfw12937@gmail.com

Legal Aid Society of Northeastern New York, Inc.
P.O. Box 989 100 Court Street
Plattsburgh, NY 12901
(Also serves Franklin County)

NYS Mental Hygiene Legal Service Third Department
286 Washington Avenue Ext., Suite 205, Albany, NY 12203-6320

Public Defender Franklin County
355 W. Main Street, Suite 237
Malone, NY 12953
rbraley@co.franklin.ny.us
tsoucia@co.franklin.ny.us

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Conflict Defender, Franklin County

18B assigned counsel coordinator,
Franklin County
sgordon@co.franklin.ny.us
lmiller@co.franklin.ny.us
jyder@co.franklin.ny.us
Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Franklin County)

FULTON COUNTY

Fulton County Bar Association

215 County Highway 155
Broadalbin, NY 12025
Kelly Holt, Esq., President

Legal Aid Society of Northeastern New York, Inc.

1 Kimball Street
Amsterdam, NY 12010
(Also serves Fulton County)

NYS Mental Hygiene Legal Service Third Department

286 Washington Avenue Ext., Suite 205, Albany, NY 12203-6320
(Also serves Fulton County)

Public Defender Fulton County

55 E. Main Street, Suite 310
Johnstown, NY 12095
jgmjresg@fronteirnet.net

Rural Law Center of New York

U.S. Oval, Suite 203
Plattsburgh, NY 12903
John.nasso@cc-fmc.org

HAMILTON COUNTY

Hamilton County Assigned Counsel Program

P.O. Box 205
Lake Pleasant, NY 12108

Legal Aid Society of Northeastern New York, Inc.

P.O. Box 989 100 Court Street
Plattsburgh, NY 12901
(Also serves Hamilton County)
pracette@lasnny.org

NYS Mental Hygiene Legal Service Third Department

286 Washington Avenue Ext., Suite 205, Albany, NY 12203-6320
(Also serves Hamilton County)

Rural Law Center of New York

22 U.S. Oval, Suite 203
Plattsburgh, NY 12903

MONTGOMERY COUNTY

Montgomery County Bar Association

Carol Dillon Pollard, Esq., President

Legal Aid Society of Northeastern New York, Inc.

1 Kimball Street
Amsterdam, NY 12010
cjjmd@aol.com

NYS Mental Hygiene Legal Service Third Department

Suite 205
286 Washington Avenue Ext.
Albany, NY 12203-6320
(Also serves Montgomery County)

Montgomery County Public Defender

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Montgomery County)
billmart777@yahoo.com

SARATOGA COUNTY

Saratoga County Bar Association

P.O. Box 994
Saratoga Springs, NY 12866

Assigned Counsel Plan of Saratoga County Bar Assn. Counsel to

Indigent Defendants
40 McMaster Street
Ballston Spa, NY 12020

The Legal Project

Capital District Women's Bar Assoc.
24 Aviation Road
Albany, NY 12205
(Also serves Saratoga County)

Legal Aid Society of Northeastern New York, Inc.

40 New Street
Saratoga Springs, NY 12866

NYS Mental Hygiene Legal Service Third Department

286 Washington Avenue Ext., Suite 205, Albany, NY 12203-6320
(Also serves Saratoga County)

Public Defender Saratoga County 40 McMaster Street

Ballston Spa, NY 12020
oschreiber@saratogacountyny.gov

Rural Law Center of New York

Suite 203, 22 U.S. Oval
Plattsburgh, NY 12903
(Also serves Saratoga County)

SCHENECTADY COUNTY

Schenectady County Bar Association, Inc.

P.O. Box 1728
Schenectady, NY 12301-1728
info@schenectadycountybar.org

Assigned Counsel Plan of Schenectady

620 State Street
Schenectady, NY 12307
Donald.DeAngelus@schenectadycounty.com

Legal Aid Society of Northeastern New York, Inc.

55 Colvin Avenue, Albany, NY 12206

The Legal Project, Capital District Women

24 Aviation Road, Albany, NY 12205
info@legalproject.org

NYS Mental Hygiene Legal Service Third Department

286 Washington Avenue, Ext., Suite 205, Albany, NY 12203-6320
(Also serves Schenectady County)

Public Defender Schenectady County

519 State Street
Schenectady, NY 12305

Conflict Defender, Schenectady County Rural Law Center of New York

22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Schenectady County)

ST. LAWRENCE COUNTY

St. Lawrence County Bar Association

117 Main Street
Canton, NY 13617
Lloyd Grandy, Esq., President
Stephen.signore@schenectadycounty.com
tracey.chance@schenectadycounty.com
lgrandy@prestoncarlisle.com

Assigned Counsel Plan of St. Lawrence County

Conboy, McKay, Bachman & Kendall, L.L.P.
2 Judson Street, Canton, NY 13617
sbgoldie@cmbk.com

Legal Aid Society of Northeastern New York, Inc.

17 Hodskin Street, Canton, NY 13617

St. Lawrence County Public Defender, St. Lawrence County Conflict Defender

Rural Law Center of New York

Appendix D

22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves St. Lawrence County)
SBallan@stlawco.org
adona@stlawco.org

WARREN COUNTY

Warren County Bar Association, Inc.
107 Bay Street
Glens Falls, NY 12801
wcba-ny@verizon.net

Assigned Counsel Plan of Warren County Warren County Municipal Center
1340 State Route 9
Lake George, NY 12845

Legal Aid Society of Northeastern New York, Inc.
40 New Street
Saratoga Springs, NY 12866
(Also serves Warren County)
lafountainj@warrencountyny.gov

NYS Mental Hygiene Legal Service Third Department
286 Washington Avenue Ext., Suite 205, Albany, NY 12203-6320
(Also serves Warren County)

Marcy Flores, Public Defender Public Defender, Warren County
Warren County Municipal Center
1340 State Route 9
Lake George, NY 12845

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Warren County)

WASHINGTON COUNTY

Jillian M. Beecher
Secretary Washington County Bar Association Courthouse
383 Broadway, Building C
Fort Edward, NY 12828

Washington County Assigned Counsel Plan
mdrost@co.washington.ny.us

Legal Aid Society of Northeastern New York, Inc.
40 New Street
Saratoga Springs, NY 12866
(Also serves Washington County)

NYS Mental Hygiene Legal Service Third Department
286 Washington Avenue Ext., Suite 205, Albany, NY 12203-6320
(Also serves Washington County)

Public Defender, Washington County
mmercure@co.washington.ny.us

Rural Law Center of New York
Suite 203
22 U.S. Oval
Plattsburgh, NY 12903
(Also serves Washington County)

5TH JUDICIAL DISTRICT (HERKIMER, JEFFERSON, LEWIS, ONEIDA, ONONDAGA, OSWEGO COUNTIES)

HERKIMER COUNTY

Herkimer County Bar Association
47 First Street, PMB 368
Ilion, NY 13357

Assigned Counsel Program of Herkimer County
209 N. Washington Street
Herkimer, NY 13350
Keithbowerslawoffice@gmail.com

Legal Aid Society of Mid-New York, Inc.

Main Office 268 Genesee Street, 2nd Floor, Utica, NY 13502
creilly@wnylc.com
raielo@wnylc.com
(Also serves Herkimer County)

NYS Mental Hygiene Legal Service Fourth Department, Fifth Judicial District
207 Genesee Street, Suite 1601
Utica, NY 13501-2876
(Also Serves Herkimer County)

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Herkimer County)

JEFFERSON COUNTY

Justin F. Brotherton, Esq., President
Jefferson County Bar Association
200 Washington Street, Suite 301
Watertown, NY 13601

Legal Aid Society of Mid-New York, Inc.
44 Public Sq., Watertown, NY 13601
Brothertonlawfirm@gmail.com

NYS Mental Hygiene Legal Service Fourth Department, Fifth Judicial District Office
The Syracuse Building
224 Harrison Street, Suite 502
Syracuse, NY 13202
(Also serves Jefferson County)

Public Defender Jefferson County
County Office Building
175 Arsenal Street, 4th Floor
Watertown, NY 13601
jhutchins@co.jefferson.ny.us

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Jefferson County)

LEWIS COUNTY

Lewis County Bar Association, Inc.
7660 N. State Street
Lowville, NY 13367
Todd W. McIntyre, Esq., President
tmcintyr@nycourts.gov

Legal Aid Society of Mid-New York, Inc.
44 Public Sq., Watertown, NY 13601
(Also serves Lewis County- see Jefferson County)

Lewis Defenders, P.I.L.C.
7659 N. State Street
Lowville, NY 13367
lewisdefender@gmail.com
mccluskylaw@yahoo.com

NYS Mental Hygiene Legal Service Fourth Department, Fifth Judicial District
207 Genesee Street, Suite 1601
Utica, NY 13501-2876
(Also serves Lewis County - see Herkimer County)

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Lewis County)

ONEIDA COUNTY

Oneida County Bar Association
258 Genesee Street, Suite 302
Utica, NY 13502-4636
Diane M. Davis, Executive Director
diane@oneidacountybar.org

Assigned Counsel Plan of Oneida County
800 Park Avenue, Utica, NY 13501

Legal Aid Society of Mid-New York, Inc.
268 Genesee Street, 2nd Floor
Utica, NY 13502
(also serves Oneida - see Herkimer County - email address)

NYS Mental Hygiene Legal Service Fourth Department, Fifth Judicial District
207 Genesee Street, Suite 1601
Utica, NY 13501-2876

Appendix D

(also serves Oneida county - see
Herkimer County)

Public Defender Oneida County Civil Division

Oneida County Office Building
800 Park Avenue, 9th Floor
Utica, NY 13501
pdcivil@ocgov.net
fnebush@ocgov.net

Public Defender Oneida County Civil Division

301 W. Dominick Street
Rome, NY 13440
ffurno@ocgov.net

Public Defender Oneida County Criminal Division

250 Boehlert Center
321 Main Street
Utica, NY 13501
pubdef@ocgov.net

ONONDAGA COUNTY

**Central New York Women's Bar
Assoc. - Downtown Station**
P.O. Box 408
Syracuse, NY 13201-0408

Onondaga County Bar Association
431 E. Fayette Street, Suite 300
Syracuse, NY 13202
info@onbar.org
director@ocbaacp.org
cchantler@onbar.org

**Assigned Counsel Program Inc.
Onondaga County Bar Association
State Tower Building**
109 S. Warren Street, Suite 6
Syracuse, NY 13202

Frank H. Hiscock Legal Aid Society
351 S. Warren Street
Syracuse, NY 13202-2057

**Legal Aid Society of Mid-New York,
Inc. Financial Plaza**
221 S. Warren Street, Suite 400
Syracuse, NY 13202
srhorn@hiscocklegalaid.org
mail@hiscocklegalaid.org

**NYS Mental Hygiene Legal Service
Fourth Department, Fifth Judicial
District Office The Syracuse Building**
224 Harrison Street, Suite 502
Syracuse, NY 13202

**Syracuse University College of Law
Office of Clinical Legal Education**
950 Irving Avenue
Syracuse, NY 13244

OSWEGO COUNTY

Oswego County Bar Association
P.O. Box 5453, Oswego, NY 13126
oswegocobarassociation@gmail.com

**Assigned Counsel Plan of Oswego
County 46 E. Bridge Street**
Oswego, NY 13126

Legal Aid Society of Mid-New York, Inc.
108 W. Bridge Street
Oswego, NY 13126

**NYS Mental Hygiene Legal Service
Fourth Department, Fifth Judicial
District Office The Syracuse Building**
224 Harrison Street, Suite 502
Syracuse, NY 13202
(Also serves Oswego County)

**Rural Law Center of New York 22
U.S. Oval, Suite 203**
Plattsburgh, NY 12903
(Also serves Oswego County)

6TH JUDICIAL DISTRICT (BROOME, CHEMUNG, CHENANGO, CORTLAND, DELAWARE, MADISON, OTSEGO, SCHUYLER, TIOGA, TOMPKINS COUNTIES)

BROOME COUNTY

Broome County Bar Association
53 Chenango Street, Suite 201
Binghamton, NY 13901
Sindy Garey, Executive Director
Broome County Bar Association
broomebar@stny.twcb.com

Legal Aid Society of Mid-New York, Inc.
168 Water Street, 2nd Floor
Binghamton, NY 13901

Mr. Jay L. Wilber, Esq.
Public Defender, Broome County
George Harvey Justice Building
45 Hawley Street, 6th Floor
Binghamton, NY 13901
(Mailing Address)
P.O. Box 1766 Binghamton, NY 13902
iwilber@co.broome.ny.us

**NYS Mental Hygiene Legal Service
Third Department**
Washington Avenue Ext., Suite 205
Albany, NY 12203-6320
(Also serves Broome County)

**Lawyer Referral Service Broome
County Bar Association**
53 Chenango Street, Suite 201
Binghamton, NY 13901

CHEMUNG COUNTY

Chemung County Bar Association
P.O. Box 908 Elmira, NY 14902

Chemung County Bar Association
305 Watkins Road
Horseheads, NY 14845

**Legal Assistance of Western New
York, Inc**
215 E. Church Street, Suite 301
Elmira, NY 14901-2889

Public Defender Chemung County
P.O. Box 588 163 Lake Street
Elmira, NY 14902-0588

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 1290
(Also serves Chemung County)
jbrennan@co.chemung.ny.us
sfierro@co.chemung.ny.us

**NYS Mental Hygiene Legal Service
Third Department**
286 Washington Avenue Ext., Suite
205, Albany, NY 12203-6320
(Also serves Chemung County)

CHENANGO COUNTY

Chenango County Bar Association
19 Eaton Avenue
Norwich, NY 13815
Michael D. Ferrarese, Esq.

Chenango County Public Defender
26 Conkey Avenue
Norwich, NY 13815
mdf@mdf-lawyers.com
publicdefender@co.chenango.ny.us

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Chenango County)

**NYS Mental Hygiene Legal Service
Third Department**
286 Washington Avenue Ext., Suite
205, Albany, NY 12203-6320
(Also serves Chenango County)

**Lawyer Referral Service Broome
County Bar Association**
53 Chenango Street, Suite 201
Binghamton, NY 13901
(Also serves Chenango County)

CORTLAND COUNTY

County Bar Association
P.O. Box 5381 Cortland, NY 13045
Lenore Lefevre, President

Appendix D

Legal Aid Society of Mid-New York, Inc.
111 Port Watson Street
Cortland, NY 13045

Public Defender, Cortland County
60 Central Avenue, Room B-5
Cortland, NY 13045-5590

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Cortland County)
lfevre@cortland-co.org
kddayton@cortland-co.org

**NYS Mental Hygiene Legal Service
Third Department**
286 Washington Avenue Ext., Suite
205, Albany, NY 12203-6320
(Also serves Cortland County)

DELAWARE COUNTY

Delaware County Bar Association
P.O. Box 494 Delhi, NY 13753

**Assigned Counsel Plan of Delaware
County**
P.O. Box 494 Delhi, NY 13753

Legal Aid Society of Mid-New York, Inc.
P.O. Box 887, Suite 401 189 Main
Street Oneonta, NY 13820
(Also serves county of Delaware)
lobolenskylaw@gmail.com

**NYS Mental Hygiene Legal Service
Third Department**
286 Washington Avenue Ext., Suite
205, Albany, NY 12203-6320
(Also serves Delaware County)

**Rural Law Center of New York 22
U.S. Oval, Suite 203**
Plattsburgh, NY 12903

MADISON COUNTY

Madison County Bar Association
P.O. Box 102 Wampsville, NY 13163
Madison County Assigned Counsel
Plan
[tina.wayland-smith@madisoncounty.
ny.gov](mailto:tina.wayland-smith@madisoncounty.ny.gov)

**Legal Aid Society of Mid-New York,
Inc. Main Office**
268 Genesee Street, 2nd Floor Utica,
NY 13502
(Also serves Madison County)

**NYS Mental Hygiene Legal Service
Third Department**
286 Washington Avenue. Ext., Suite
205, Albany, NY 12203-6320
(Also serves Madison County)

Public Defender Madison County
Madison County Office Building
P.O. Box 576, 138 N. Court Street
Wampsville, NY 13163
Pau1Hadley33@gmail.com

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Madison County)

OTSEGO COUNTY

Otsego County Bar Association
197 Main Street
Cooperstown, NY 13326

Legal Aid Society of Mid-New York, Inc.
P.O. Box 887, Suite 401
Oneonta, NY 13820

**NYS Mental Hygiene Legal Service
Third Department**
286 Washington Avenue Ext., Suite
205, Albany, NY 12203-6320
(Also serves Otsego County)

Public Defender Otsego County
197 Main Street
Cooperstown, NY 13326,
maxsonb@otsegocounty.com

Public Defender Otsego County
242 Main Street
Oneonta, NY 13820

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Otsego County)

SCHUYLER COUNTY

Schuyler County Bar Association
P.O. Box 135, Watkins Glen, NY 14891

**Legal Assistance of Western
New York, Inc. (Chemung County
Neighborhood Legal Services)**
215 E. Church Street, Suite 301
Elmira, NY 14901-2889
(Also serves Schuyler County)

**NYS Mental Hygiene Legal Service
Third Department**
286 Washington Avenue Ext., Suite
205, Albany, NY 12203-(5320
(Also serves Schuyler County)

Public Defender Schuyler County
105 9th Street, Unit 7, Watkins Glen,
NY 14891
wroe@co.schuyler.ny.us

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Schuyler County)

TIOGA COUNTY

**Lawyer Referral Service Broome
County Bar Association**
53 Chenango Street, Suite 201
Binghamton, NY 13901 (Also serves
Tioga County)

**Legal Assistance of Western New
York, Inc.**
Tompkins/Tioga Neighborhood
Legal Services DeWitt Building
215 N. Cayuga Street, Suite 155
Ithaca, NY 14850-4901

**NYS Mental Hygiene Legal Service
Third Department**
286 Washington Avenue Ext., Suite
205, Albany, NY 12203-6320

Public Defender Tioga County
P.O. Box 507 171 Main Street
Owego, NY 13827

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903 (Also serves
Tioga County)

TOMPKINS COUNTY

Tompkins County Bar Association
Hayden Brainard, President P.O. Box
6629, Ithaca, NY 14851
tcba@clarityconnect.com

**Assigned Counsel Program of
Tompkins County**
graveni@co.tioga.ny.us
geocawadjresq@yahoo.com
jhughes@tom-pkins-co.org
171 E. State Street, Suite 223
Ithaca, NY 14850

**NYS Mental Hygiene Legal Service
Third Department**
286 Washington Avenue Ext., Suite
205, Albany, NY 12203-6320
(Also serves Tompkins County)
lsalisbury@tom-pkins-co.org

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Tompkins County)

Prisoners' Legal Services of New York
114 Prospect Street
Ithaca, NY 14850

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7TH JUDICIAL DISTRICT (CAYUGA, LIVINGSTON, MONROE, ONTARIO, SENECA, STEUBEN, WAYNE, YATES COUNTIES)

CAYUGA COUNTY

**Cayuga County Bar Association 9
Court Street**
Auburn, NY 13021
Suite 202-279
144 Genesee Street
Auburn, NY 13021
sgiacona@giaconalaw.com

**Assigned Counsel Plan of Cayuga
County Cayuga County Court House**
152 Genesee Street
Auburn, NY 13021
defender@co.cayuga.ny.us

Legal Aid Society of Mid-New York, Inc.
108 W. Bridge Street
Oswego, NY 13126

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Serves Cayuga County)

LIVINGSTON COUNTY

**Livingston County Bar Association
Cannon & Van Allen, L.L.P.**
10 University Dr.
Geneseo, NY 14454
lquintilone@co.livingston.ny.us
lafll@lafll.org

**Public Defender Livingston County
Livingston County Govt. Center
Room 109**
6 Court Street, Geneseo, NY 14454
lcpd@co.livingston.ny.us

Livingston County Conflict Defender
lquintilone@co.livingston.ny.us
jeannie@jdmattorney.com

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903 (Serves
Livingston County)

MONROE COUNTY

**Greater Rochester Association for
Women Attorneys**
279 Castlebar Road
Rochester, NY 14610
info@grawa.org

Monroe County Bar Association
1 W. Main Street, 10th Floor
Rochester, NY 14614-2098

Mark Moretti, President, Monroe
County Bar Assoc.
mmoretti@phillipslytle.com
info@mcba.org
reception@mcba.org

**Empire Justice Center Telesca Center
for Justice**
1 W. Main Street, Suite 200
Rochester, NY 14614

Legal Aid Society of Rochester
1 W. Main Street, Suite 800
Rochester, NY 14614

**Legal Assistance of Western New
York, Inc.**
1 W. Main Street, Suite 400
Rochester, NY 14614

**NYS Mental Hygiene Legal Service
4th Dept.**
M. Dolores Denman Cthse.
50 East Avenue, Suite 402
Rochester, NY 14604

Public Defender Monroe County
10 N. Fitzhugh Street
Rochester, NY 14614
donaher@monroecounty.gov
[Monroe County Conflict Defender](http://MonroeCountyConflictDefender)
tdonaher@monroecounty.gov
CharlesNoce@monroecounty.gov

Worker Justice Center of New York
1187 Culver Road
Rochester, NY 14609

ONTARIO COUNTY

Ontario County Bar Association
P.O. Box 381, Canandaigua, NY 14424
[ontariocountybarassociation@
yahoo.com](mailto:ontariocountybarassociation@yahoo.com)

**Assigned Counsel Program of
Ontario County 144 Mill Street**
Canandaigua, NY 14424
acpdefenders@yahoo.com

Conflict Defender of Ontario County
144 Mill Street
Canandaigua, NY 14424

**Legal Assistance of Western New
York, Inc.**
361 S. Main Street
Geneva, NY 14456
lafll@lafll.org
kwoods@lawny.org
aelliott-engel@lawny.org

Public Defender of Ontario County
20 Ontario Street
Canandaigua, NY 14424
leanne.lapp@co.ontario.ny.us

=Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903 (Serves
Ontario County)

SENECA COUNTY

Seneca County Bar Association
Michael Mirras, Esq., President
Midey, Mirras & Ricci, LLP
54 Fall Street, 2nd Floor
Seneca Falls, NY 13148

Seneca County Bar Association
P.O. Box 6, Seneca Falls, NY 13148

Public Defender Seneca County
P.O. Box 702, Seneca Falls, NY 13148
EttmanLaw@juno.com
mjmirras@rochester.rr.com
midey12@rochester.rr.com
publicdefender@co.seneca.ny.us

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Serves Seneca County)

STEUBEN COUNTY

Bath Bar Association
12 Pulteney Sq., Box 528
Bath, NY 14810
lawmccarthy@verizon.net

Steuben County Bar Association
3 E. Pulteney Sq.
Bath, NY 14810

Steuben County Assigned Counsel Plan
pelych@yahoo.com

Southern Tier Legal Services
104 E. Steuben St.
Bath, NY 14810

**Legal Assistance of Western New
York, Inc.**
P.O. Box 272 Bath, NY 14810

Public Defender Steuben County
3 E. Pulteney Sq.
Bath, NY 14810

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903

WAYNE COUNTY

Wayne County Bar Association
Hall of Justice, 54 Broad Street
Lyons, NY 14489
PhilR@co.steuben.ny.us
pgchambe@syr.edu

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Wayne County Assigned Counsel Plan

Public Defender Wayne County

26 Church Street, 2nd Floor
Lyons, NY 14489
jkernan@co.wayne.ny.us

Rural Law Center of New York

22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Serves Wayne County)

YATES COUNTY

Yates County Bar Association

415 Liberty Street
Penn Yan, NY 14527

Assigned Counsel Program of Yates County

417 Liberty Street, Room 1055
Penn Yan, NY 14527

Public Defender Yates County

P.O. Box 457
159 S. Main Street
Naples, NY 14512

Rural Law Center of New York

22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Serves Yates County)
bchamlaw@rochester.rr.com
yateslawpy5@gmail.com
lbrockman@frontiernet.net

8TH JUDICIAL DISTRICT (ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, GENESEE, NIAGARA, ORLEANS & WYOMING COUNTIES)

ALLEGANY COUNTY

Allegany County Bar Association

1584 Alma Hill Road
Wellsville, NY 14895

Allegany County Bar Association

213 County Office Bldg
7 Court Street,
Belmont, New York 14813

Assigned Counsel Plan of Allegany County Embers & Woltag, P.C.

164 N. Main Street
Wellsville, NY 14895

Assigned Counsel Plan of Allegany County

3460 Riverside Dr., Wellsville, NY
14895

Public Defender Allegany County

7 Court Street
Belmont, NY 14813

Allegany Cattaraugus Legal Services Inc. Southern Tier Legal Services

103 S. Barry Street
Olean, NY 14760
Amy L. Christensen, Director
(Serves counties of Allegany,
Steuben and Cattaraugus)

Rural Law Center of New York 22

U.S. Oval, Suite 203
Plattsburgh, NY 12903 (Serves
Allegany County)

CATTARAUGUS COUNTY

Cattaraugus County Bar Association Carr Saglimben, L.L.P.

235 N. Union Street Olean, NY 14760
minerta@alleganyco.com
Tomminer@hotmail.com
emberswoltag@yahoo.com
andrewjcornellaw@verizon.net
Kelleybj@alleganyco.com
ahardinglaw@gmail.com
hatomes@cattco.org
Kevinhab@roadrunn-er.com
janinefodor@adelphia.net

Assigned Counsel Plan of Cattaraugus County

303 Court Street
Little Valley, NY 14755

Public Defender of Cattaraugus County

175 N. Union Street
Olean, NY 14760

Legal Assistance of Western New York, Inc.

103 S. Barry Street
Olean, NY 14760
tawilliams@cattco.org
mswilliams@cattco.org

Southern Tier Legal Services

103 S. Barry Street
Olean, NY 14760
Amy L. Christensen, Director
(Serves counties of Allegany,
Steuben and Cattaraugus)
(see Allegany)

Rural Law Center of New York

22 U.S. Oval, Suite 203
Plattsburgh, NY 12903 (Serves
Cattaraugus County)

CHAUTAUQUA COUNTY

Public Defender Chautauqua County

Hall R. Clothier Building
7 N. Erie Street, Room 106
Mayville, NY 14757-1027

(see Allegany)

Taylorlk@co.chautauqua.ny.us
baronen@co.chautauqua.ny.us

Legal Assistance of Western New York, Inc.

Hotel Jamestown Building
110 W. 3rd Street, Suite 507
Jamestown, NY 14701

Chautauqua Region Law Center

111 W. 2nd Street, Suite 250
Jamestown, NY 14701

Chautauqua Region Law Center Dunkirk Office

314 Central Avenue
Dunkirk, NY 14048

Rural Law Center of New York

22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Serves Chautauqua County)

ERIE COUNTY

Bar Association of Erie County

438 Main Street, 6th Floor
Buffalo, NY 14202
kbifaro@eriebar.org

Neighborhood Legal Services

gandriette@nls.org
lbreen@nls.org

Erie County Bar Association

rconvissar@assigned.org

NYS Mental Hygiene Legal Service

Fourth Department, Eighth Judicial
District Office
438 Main Street, Suite 400
Buffalo, NY 14202

Erie County Bar Association Aid to Indigent Prisoners Society, Inc.

Assigned Counsel Program
170 Franklin Street, Suite 400
Buffalo, NY 14202

Prisoners' Legal Services of New York

237 Main Street, Suite 1535
Buffalo, NY 14203

The Legal Aid Bureau of Buffalo, Inc.

237 Main Street, Suite 1602
Buffalo, NY 14203-2778
dschopp@legalaidthbuffalo.org

The Legal Aid Bureau of Buffalo, Inc.

50 Delaware Avenue, 4th Floor
Buffalo, NY 14202

Neighborhood Legal Services, Inc.

237 Main Street, 4th Floor
Buffalo, NY 14203

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GENESEE COUNTY

Genesee County Bar Association
P.O. Box 1840 Batavia, NY 14020
Info@gcbany.com

**Genesee County Assigned Counsel
Plan Neighborhood Legal Services, Inc.**
Oak Orchard Legal Services
5073 Clinton Street Road
Batavia, NY 14020-1126

Genesee Legal Services Crop.

**Public Defender Genesee County
Genesee County Courts Facility**
1 W Main Street Batavia, NY 14020
twilliams@williamsllp.com
bbonarigo@bonarigomccutcheon.com
Michael.r.rivers@gmail.com
cohenr@lsc.gov
jader@co.genesee.ny.us
publicdefender@co.genesee.ny.us

NIAGARA COUNTY

Neighborhood Legal Services, Inc.
225 Old Falls Street, 3rd Floor
Niagara Falls, NY 14302

Bar Association of Niagara County
PO Box 570, Lockport, NY 14095
brickelmer@aol.com

**Bar Association of the Tonawanda's
Brick, Brick & Elmer, P.C.**
P.O. Box 604, 91 Tremont Street
North Tonawanda, NY 14120

Public Defender Niagara County
139 Niagara Street
Lockport, NY 14094
maryannoliver@wnylc.com
pmmcgrathesg@hotmail.com

**Public Defender Niagara County
Niagara County Courthouse**
175 Hawley Street
Lockport, NY 14094-2740

Public Defender Niagara County
1925 Main Street
Niagara Falls, NY 14305

**Niagara County Public Defender
Niagara County Conflict Defender**

ORLEANS COUNTY

Public Defender Orleans County

Orleans County Bar Association
Orleans County District Attorney's
Office

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Serves Orleans County)

David.Farrugia@niagaracounty.com
Kathleen.Kugler@niagaracounty.com
publicdefender@orleansny.com
cradick@apfwlaw.com
cacole@courts.state.ny.us
(see Allegany)

WYOMING COUNTY

Wyoming County Bar Association
11 Exchange Place
Attica, NY 14011
jwujcik@daddandnelson.com

**Assigned Counsel Plan of Wyoming
County Bar Assn.**
P.O. Box 238, 11 Exchange Street
Attica, NY 14011

**Attica Legal Aid Bureau, Inc. &
Public Defender Wyoming County**
18 Linwood Avenue
Warsaw, NY 14569
attlegal@yahoo.com

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(see Allegany)
(Serves Wyoming County)

9TH JUDICIAL DISTRICT (DUTCHESS, ORANGE, PUTNAM, ROCKLAND, WESTCHESTER COUNTIES)

DUTCHESS COUNTY

Paul Ackerman, Esq.
Corporation Counsel
62 Civic Center, Plz. 3rd Floor
Poughkeepsie, NY 12601

Dutchess County Bar Association
P.O. Box 4865, Poughkeepsie, NY
12602

Legal Services of the Hudson Valley
331 Main Street, 2nd Floor
Poughkeepsie, NY 12601

**NYS Mental Hygiene Legal Service
Second Judicial Department**
170 Old Country Road, Suite 500
Mineola, NY 11501
lherman@nycourts.gov
mneville@nycourts.gov
(Also serves Dutchess County)

**NYS Mental Hygiene Legal Service
Second Department, Ninth Judicial
District Office**
140 Old Orangeburg Road, Building 1
Orangeburg, NY 10962
jdayter@nycourts.gov
(Also serves Dutchess County)

Public Defender Dutchess County
22 Market Street
Poughkeepsie, NY 12601
publicdefender@dutchessny.gov
tangell@dutchessny.gov

ORANGE COUNTY

Orange County Bar Association
P.O. Box 88, 198 Main Street
Goshen, NY 10924

Kevin F. Preston, Esq.
Orange County Bar Association

**Macvean, Lewis, Sherwin &
McDermott, P.C.**
34 Grove Street, PO Box 310
Middletown, NY 10940

Michael K. Burke, Esq.
Orange County Bar Association
Burke, Miele & Golden
40 Matthews Street, Suite 209
Goshen, NY 10924

**Women's Bar Assn. of Orange &
Sullivan Counties**
P.O. Box 911 Warwick, NY 10990
Kara J. Cavallo, Esq.
President, Women's Bar Association
of Orange and Sullivan Counties

Jacobowitz & Gubits, LLP
158 Orange Avenue
Walden, NY 12586

Legal Services of the Hudson Valley
1 Corwin Ct.
Newburgh, NY 12550

**NYS Mental Hygiene Legal Service
Second Judicial Department**
170 Old Country Road, Suite 500
Mineola, NY 11501
(Also serves Orange County)

**NYS Mental Hygiene Legal Service
Second Department, Ninth Judicial
District Office**
140 Old Orangeburg Road, Building 1
Orangeburg, NY 10962 (Also serves
Orange County)

**Assigned Counsel Plan of Orange
County**
lawoffice@mdsternlaw.com
Suite 102, P.O. Box 1028
15 Matthews Street
Goshen, NY 10924

Legal Aid Society of Orange County, Inc.
P.O. Box 328, 3rd Floor 14
Scotchtown Avenue
Goshen, NY 10924

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PUTNAM COUNTY

Putnam County Bar Association
P.O. Box 44, Carmel, NY 10512
info@putnamcountybar.org

Legal Services of the Hudson Valley
90 Maple Avenue
White Plains, NY 10601
Barbara Finkelstein, Esq., CEO
bfinkelstein@lshv.org
(Also serves Putnam County)

**NYS Mental Hygiene Legal Service
Second Department, Ninth Judicial
District Office**
140 Old Orangeburg Road, Building 1
Orangeburg, NY 10962
(Also serves Putnam County)

**NYS Mental Hygiene Legal Service
Second Judicial Department**
170 Old Country Road, Suite 500
Mineola, NY 11501
(Also serves Putnam County)

Putnam County Legal Aid Society, Inc.
47 Gleneida Avenue
Carmel, NY 10512
legalpaid@verizon.net
dsguirrell@plegalaid.com

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Putnam County)

ROCKLAND COUNTY

**Columbian Lawyers of Rockland
County**
35 Fourth Avenue, Nyack, NY 10960

Rockland County Bar Association, Inc.
337 N. Main Street, Suite 1
New City, NY 10956
office@rocklandbar.org

**Assigned Counsel Plan of Rockland
County**
49 Maple Street
New City, NY 10956

**Legal Aid Society of Rockland
County, Inc.**
2 Congers Road, New City, NY 10956
gnd354@aol.com
keith@braunfotelandfrendel.com
keith@BF-Legal.com
info@legalaidrockland.org

Legal Services of the Hudson Valley
90 Maple Avenue
White Plains, NY 10601
(Also serves Rockland County)

Legal Services of the Hudson Valley
7 Perlman Dr., Spring Valley, NY 10977

**NYS Mental Hygiene Legal Service
Second Judicial Department**
170 Old Country Road, Suite 500
Mineola, NY 11501

**NYS Mental Hygiene Legal Service
Second Department, Ninth Judicial
District Office**
140 Old Orangeburg Road, Building 1
Orangeburg, NY 10962

Public Defender Rockland County
11 New Hempstead Road
New City, NY 10956
licatai@co.rockland.ny.us

WESTCHESTER COUNTY

**Columbian Lawyers Assn. of
Westchester County**
Pappalardo & Pappalardo, L.L.P.
700 White Plains Road, Suite 355
Scarsdale, NY 10583
johnd@pappalardolaw.com

**Eastchester Bar Association
McCarthy Fingar L.L.P.**
11 Martine Avenue
White Plains, NY 10606
gboggio@mccarthyfingar.com

Federal Bar Council
123 Main Street, Suite L-100
White Plains, NY 10601-3104
federalbar@federalbarcouncil.com

**Mamaroneck-Harrison-Larchmont
Bar Assn. Grean & Ward**
222 Grace Church Street, Suite 2068
Port Chester, NY 10573
dpward@dpward.net

New Rochelle Bar Association
P.O. Box 1863
New Rochelle, NY 10802
president@nrbar.org

**Northern Westchester Bar
Association**
3453 E. Tremont Avenue
Bronx, NY 10461
nwbany@yahoo.com
mseedorf@seedorflaw.com

Ossining Area Bar Association
130 Marlborough Road
Briarcliff Manor, NY 10510

Peekskill Bar Association
P.O. Box 105, 1011 Park Street
Peekskill, NY 10566

Port Chester-Rye Bar Association
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601
agioffre@cuddyfeder.com

Westchester County Bar Association
One N. Broadway, Suite 512
White Plains, NY 10601
executivedirector@wcbany.org

Westchester County Bar Association
4 Westchester Park Drive, Suite 155
White Plains, NY 10604
President@wcbany.org

**Westchester Women's Bar
Association**
P.O. Box 926 Hartsdale, NY 10530
president@wwbany.org
dgebhardt@mccarthyfingar.com

**White Plains Bar Association Stern,
Keiser & Panken, L.L.P.**
1025 Westchester Avenue, Suite 305
White Plains, NY 10604
info@whiteplainsbar.org
lkeiser@skpllp.com

Yonkers Lawyers Association
P.O. Box 115 Yonkers, NY 10704
YLA@yonkerslawyersassociation.com

Yorktown Bar Association
2000 Maple Hill Street
Yorktown Heights, NY 10598
adurante@dbtlaw.net
[Empire Justice Center](http://EmpireJusticeCenter.com)

**John Jay Legal Services, PACE
University School of Law**
80 N. Broadway
White Plains, NY 10603
info@empi.rejustice.org

Empire Justice Center
30 S. Broadway, 6th Floor
Yonkers, NY 10701

**The Legal Aid Society of
Westchester County**
150 Grand Street, Suite 100
White Plains, NY 10601

Legal Services of the Hudson Valley
90 Maple Avenue
White Plains, NY 10601

Legal Services of the Hudson Valley
100 E. First Street, 8th Floor, Suite 810
Mount Vernon, NY 10550

Legal Services of the Hudson Valley
1 Park Place, 3rd Floor
Peekskill, NY 10566
cjd@laswest.org KRN@laswest.org

Legal Services of the Hudson Valley
30 S. Broadway
Yonkers, NY 10701

Appendix D

**NYS Mental Hygiene Legal Service
Second Judicial Department**
170 Old Country Road, Suite 500
Mineola, NY 11501
(Also serves Westchester County)

**NYS Mental Hygiene Legal Service
Second Department, Ninth Judicial
District Office**
140 Old Orangeburg Road, Building 1
Orangeburg, NY 10962
(Also serves Westchester County)

Pro Bono Partnership
237 Mamaroneck Avenue, Suite 300
White Plains, NY 10605
president@wbbany.org
jiacono@iaconolaw.net
nward-willis@kblaw.com
jeffrey.levin.law@gmail.com

10TH JUDICIAL DISTRICT (NASSAU AND SUFFOLK COUNTIES)

**Brehon Law Society of Nassau
County, New York Grey & Grey, L.L.P.**
360 Main Street
Farmingdale, NY 11735
bokeefe@greyandgrey.com

Columbian Lawyers District Court
99 Main Street
Hempstead, NY 11550
clanassau@aol.com

Long Beach Lawyers Association
164 W. Park Avenue
Long Beach, NY 11561-0058

Nassau County Bar Association
15th & West Sts., Mineola, NY 11501
info@nassaubar.org

**Nassau Lawyers' Association of
Long Island, Inc.**
Garden City Plz., Suite 326
Garden City, NY 11530-3331

**Network of Bar Leaders DeMartini
& Yi, L.L.P.**
69 E. Jericho Tpk., Suite 100
Mineola, NY 11501
networkofbarleaders@gmail.com
kyi@deyillp.com

Hofstra Law Clinic
Maurice A. Dean School of Law 108
Hofstra Univ.
Hempstead, NY 11549-1080

**Lawyer Referral Service Queens
County Bar Association**
90-35 148th Street
Jamaica, NY 11435-4097
info@qcba.org

Legal Aid Society of Nassau County
Suite 300, 40 Main Street
Hempstead, NY 11550
kmoston@nclas.org
jgoldberg@nclas.org
NSBanks@nclas.org

**Nassau County Bar Association
Assigned Counsel Defender Plan, Inc.**
15th and West Sts.
Mineola, NY 11501
acdp@optonline.net

**Nassau/Suffolk Law Services
Committee, Inc.**
400 Main Street
Riverhead, NY 11901-2480
jseigel@wnylc.com

**Nassau/Suffolk Law Services
Committee, Inc.**
1757 Veterans Highway, Suite 50
Islandia, NY 11722

**Nassau/Suffolk Law Services
Committee, Inc.**
1 Helen Keller Way, 5th Floor
Hempstead, NY 11550-3903
jseigel@wnylc.com

**NYS Mental Hygiene Legal Service
Second Judicial Department**
170 Old Country Road, Suite 500
Mineola, NY 11501
mneville@nycourts.gov

**NYS Mental Hygiene Legal
Service Second Department, Tenth
Judicial District Office**
One Court Street
Riverhead, NY 11901

SUFFOLK COUNTY

**Amistad Long Island Black Bar
Association**
320 Carleton Avenue, Suite 3300
Central Islip, NY 11722
amistadblackbar@gmail.com

**Commercial Lawyers Conference,
Inc. Smith Carroad Levy & Wan**
5036 Jericho Tpke.
Cammack, NY 11725
twan@smithcarroad.com

Suffolk County Bar Association
560 Wheeler Road
Hauppauge, NY 11788-4357
scba@scba.org
jane@scba.org

**Suffolk County Criminal Bar
Association**
320 Carleton Avenue, Suite 1000
Central Islip, NY 11722

**Suffolk County Women's Bar
Association**
225 Broadhollow Road, Suite 200
Melville, NY 11747
suffolkcountywomensbar@gmail.com

**Assigned Counsel Defender Plan of
Suffolk County**
P.O. Box 5591, 120 Fourth Avenue
Bay Shore, NY 11706
admin@suffolk18b.org

**Legal Aid Society of Suffolk County
Criminal Office Legal Aid Society of
Suffolk County**
Arthur M. Cromarty Court Complex
300 Center Dr., 1st Floor
Riverhead, NY 11901
admin@sclas.org
ldmulry@optonline.com

**Legal Aid Society of Suffolk County
District Court Office Legal Aid
Society of Suffolk County**
John P. Cohalan, Jr. Court Complex
400 Carleton Avenue, 4th Floor
Central Islip, NY 11722
(Mailing Address)
Legal Aid Society of Suffolk County
District Court Office
P.O. Box 9082, Central Islip, NY 11722
admin@sclas.org

**Empire Justice Center Public
Advocacy Center**
Touro Law Center
225 Eastview Dr., Room 222
Central Islip, NY 11722
mdegennaro@empirejustice.org

**Lawyer Referral Service Queens
County Bar Association-**
90-35 148th Street
Jamaica, NY 11435-4097
info@qcba.org

**Legal Aid Society of Suffolk County
Administrative Office**
John P. Cohalan, Jr. Court Complex
400 Carleton Avenue, 4th Floor
Central Islip, NY 11722
admin@sclas.org

**Nassau/Suffolk Law Services
Committee, Inc.**
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Riverhead, NY 11901-2480
jseigel@wnylc.com

**Nassau/Suffolk Law Services
Committee, Inc.**
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Islandia, NY 11722
jseigel@wnylc.com

Appendix D

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1 Helen Keller Way, 5th Floor
Hempstead, NY 11550-3903

NYS Mental Hygiene Legal Service Second Judicial Department
170 Old Country Road, Suite 500
Mineola, NY 11501
mneville@nycourt.gov

NYS Mental Hygiene Legal Service Second Department Tenth Judicial District Office
One Court Street
Riverhead, NY 11901

[Additional list for Suffolk](#)

Babylon Town Attorney
arizwan@townofbabylon.com

Brookhaven Town Attorney
aaderesto@brookhaven.org

East Hampton Town Attorney
MSendlenski@ehamptonny.gov

Huntington Town Attorney
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Islip Tow Attorney
townattorney@islipny.gov

New York State Bar Association
cgutkunst@nysba.org

NYS Attorney General kimberly kinirons@ag.ny.gov

Riverhead Town Attorney
rfk@townofriverheadny.gov

Shelter Island Town Attorney
ldowd@shelterislandtown.us

Smithtown Town Attorney
townattorney@tosgov.com

Southold Town Attorney
bill.duffy@town.southold.ny.us

Brown, Dennis
Dennis.Brown@suffolkcountyny.gov

11TH JUDICIAL DISTRICT (QUEENS COUNTY)

Columbian Lawyers Association, Inc.
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info@columbianlawyers.net

John Marshall Lawyers Association, Inc.
114-06 Jamaica Avenue
Richmond Hill, NY 11418

Long Island City Lawyers Club
3119 Newtown Avenue, Suite 501
Long Island City, NY 11102-1392

Queens County Bar Association
90-35 148th Street
Jamaica, NY 11435-4097
info@qcba.org

Queens County Women Bar Assoc.
Borough Hall Station
P.O. Box 585
Kew Gardens, NY 11424

Appellate Advocates
111 John Street, 9th Floor
New York, NY 10038
(serves Queens and New York County)

Asian American Legal Defense and Education Fund
99 Hudson Street, 12th Floor
New York, NY 10013-2815
info@aaldef.org
(serves Queens and New York County)

Assigned Counsel Plan for the City of New York
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New York, NY 10007
(serves Queens and New York County)

Community Legal Resource Network CUNY School of Law
2 Court Sq.
Long Island City, NY 11101

Hofstra Law Clinic, Maurice A. Dean School of Law
108 Hofstra Univ.
Hempstead, NY 11549-1080
(serves Queens and Nassau/Suffolk County)

Lawyer Referral Service Queens County Bar Association
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Jamaica, NY 11435-4097

Lawyers Alliance for New York
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info@lawyersalliance.org
(Also serves Queens County)

Legal Action Center of the City of New York, Inc.
225 Varick Street, 4th Floor
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lacinfo@lac.org
(Also serves Queens County)

The Legal Aid Society–Queens County Civil Practice Queens Neighborhood Office
120-46 Queens Blvd., 3rd Floor
Kew Gardens, NY 11415

The Legal Aid Society–Queens County Juvenile Rights Division
153-01 Jamaica Avenue, 3rd Floor
Jamaica, NY 11432

The Legal Aid Society–Queens County Criminal Defense Practice
120-46 Queens Blvd.
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trountree@legal-aid.org

Legal Services NYC
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(serves Queens and New York County)

Legal Services NYC
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(serves Queens and New York County)

MFY Legal Services, Inc.
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NYS Mental Hygiene Legal Service Second Judicial Department
170 Old Country Road, Suite 500
Mineola, NY 11501

NYS Mental Hygiene Legal Service Second Department, Second, Eleventh & Thirteenth Judicial District Office
Creedmoor Psychiatric Center
80-45 Winchester Blvd., 1st Fl., Bldg. 73, CBU #25, Queens Village, NY 11427

Queens Law Associates
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Forest Hills, NY 11375
jvaccarino@qlanyc.org

Queens Legal Services Corporation Long Island City Office
89-00 Sutphin Blvd., Suite 206
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Sanctuary for Families Center for Battered Women
30 Wall Street, 8th Floor
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(Also serves Queens County)

12TH JUDICIAL DISTRICT (BRONX COUNTY)

Bronx County Bar Association
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Bronx, NY 10451
mary@bronxbar.com

Bronx Women's Bar Association
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Appendix D

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nwbany@yahoo.com
mseedorf@seedorflaw.com

Office of the Appellate Defender First Department Assigned Counsel Corp.
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info@appellatedefender.org

Asian American Legal Defense and Education Fund
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malperstein@cityhall.nyc.gov
rdean@cfal.org

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sdelany@lawyersalliance.org

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phjones@legal-aid.org

The Legal Aid Society–Bronx County Criminal Defense Practice
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Bronx, NY 10451

The Legal Aid Society–Bronx County Juvenile Rights Division
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ksobranis@ls-nyc.org

NYS Mental Hygiene Legal Service First Department
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MFY Legal Services, Inc.
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dschaefer@mfy.org

Sanctuary for Families Center for Battered Women
30 Wall Street, 8th Floor
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13 TH JUDICIAL DISTRICT (RICHMOND COUNTY)

Richmond County Bar Association
152 Stuyvesant Place, Suite 203
Staten Island, NY 10301

Appellate Advocates
111 John Street, 9th Floor
New York, NY 10038
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Asian American Legal Defense and Education Fund
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<mailto:info@aaldef.org>
(Also serves Richmond County)

Assigned Counsel Plan for the City of New York
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(Also serves Richmond County)

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(Also serves Richmond County)

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(Also serves Richmond County)

MFY Legal Services, Inc.
299 Broadway, 4th Floor
New York, NY 10007
(Also serves Richmond County)

NYS Mental Hygiene Legal Service Second Judicial Department
170 Old Country Road, Suite 500
Mineola, NY 11501
(Also serves Richmond County)

Sanctuary for Families Center for Battered Women
30 Wall Street, 8th Floor
New York, NY 10005
(Also serves Richmond County)

NYS Mental Hygiene legal Service Second Department, Second, Eleventh & Thirteenth Judicial District Office
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AB@Bisignanolaw.com
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Staten Island, NY 10301
Robert Mulhall, Esq. President, SITLA

Christopher Caputo
President, Richmond County Bar Association
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chris@ccaputo.com
President - Staten Island Trial Lawyers Assoc.

Appendix E

Submissions Received from the
E-Filing Advisory Committees



WESTCHESTER COUNTY CLERK

Timothy C. Idoni
County Clerk

January 19, 2018

Hon. Lawrence K. Marks
Chief Administrative Judge
25 Beaver Street
New York, New York 10004

Dear Judge Marks,

This letter is intended to fulfill the obligation of the Supreme Court Electronic Filing Advisory Committee to consult with the Chief Administrative Judge regarding the state's experience with programs in the use of electronic means for the commencement of actions and proceedings and the service of papers therein.

The committee has met twice since the 2017 report on electronic filing:

- The first meeting was held on April 26, 2017 and focused on proposed mandatory e-filing in Putnam County as well as the expansion of the existing mandatory programs in Bronx and Nassau Counties. This meeting resulted in Administrative Order 84/17, which was signed on April 27, 2017 with an effective date of May 3, 2017.
- The second meeting was held on January 12, 2018 and focused on proposed mandatory e-filing in the following counties: Cortland, Essex, Lewis, Livingston, Monroe, Oswego, and Thompsons. The meeting was preceded by a letter from your office on November 22, 2017. It is anticipated that an administrative order authorizing such changes should occur on/or about January 24, 2018

At each meeting members were encouraged to present ideas and opinions on the expansion of the e-filing programs across the state. In each of the counties noted above, extraordinary measures, as required by the state, were taken to exhaustively reach out to notify bar associations, legal organizations, and other interested parties as to the proposed changes. There was only one comment made throughout and it was totally positive in nature. Each of the counties has gone through consensual programs and proved their worth in moving onto the mandatory setting.

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A unanimous consensus of the committee is that the courts should be looking to implement mandatory e-filing throughout the state in all case types based on the hugely successful model taken over the past four years. Consensual e-filing in matrimonial, CPLR Article 70 proceedings, CPLR Article 78 proceedings, Mental Hygiene law matters, consumer credit transactions as defined in CPLR 2105 (f) and residential foreclosure actions have been integrated seamlessly in some counties.

In addition, the legislation required that we continue our outreach to interested parties as to the effects of e-filing in their particular industry or court. A memorandum from Jeffrey Carucci, Statewide Coordinator for Electronic Filing, was distributed on December 21, 2017 advising that the Chief Administrative Judge must submit to the legislature, Governor and Chief Judge an annual report as a part of which is this letter. Comments were submitted by members of this committee which once again reiterated the positive nature in all e-filing counties and a wish to continue the expansion of the program.

We are strongly advocating for the permission to allow for mandatory e-filing in certain cases in Supreme Court, such as matrimonial, Article 78 and Mental Hygiene Law cases, and in many types in New York City Civil court.

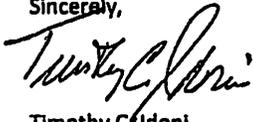
Of course we recognize that if certain exclusions from mandatory e-filing were eliminated, a mandatory program could be implemented by order of the Chief Administrative Judge, but issued only after consultation with the Bar, the legal services providers and other groups. In Supreme Court we would advise that the consent of the County Clerk affected outside of New York City be required. All existing appropriate protections in current law, i.e. unrepresented persons being exempt from participating in e-filing and/or exemptions for attorneys lacking equipment or practical knowledge, would remain in effect. In addition, e-filing would have to continue to provide confidential treatment to all cases requiring it, such as a matrimonial.

In conclusion, our broad based and active committee has not had to file any negative comments this year. This is a result of the overwhelming support for e-filing in every county where it has been allowed both mandatorily or consensually. Much of the credit belongs to the successful implantation and maintenance of the NYSCEF filing system and the dedicated staff at the Office of Court Administration. The transparency and accountability allowed by the system is essential to the litigant's ability to see where every document is and who has processed them. The solid foundation of this system lends itself to a much easier process of expansion for e-filing.

Thank you for considering our input as you prepare your annual report. We look forward to continuing as partners on the path toward greater automation and efficiency of the State Court's filing systems.

Appendix E

Sincerely,



Timothy C. Idoni
Westchester County Clerk
Chair, Supreme Court Electronic Filing Advisory Committee

cc: Ronald Younkings, Esq.

John W. McConnell, Esq.

Jeffrey Carucci

Michael Alperstein, Esq.

Dennis J. Bischoff, Esq.

Thomas F. Gleason, Esq.

Jeffrey Harradine, Esq.

John R. Higgitt, Esq.

Adrienne Holder, Esq.

Hon. Bradford Kendall

Hon. Henry Kennedy

Fay Leoussis, Esq.

Adrienne Koch, Esq.

Hon. Elizabeth Larkin

John M. Lundin, Esq.

Daniel Marren, Esq.

Linda Mejias, Esq.

Hon. Anthony J. Paris

James M. Paulino, Esq.

Hon. Joseph Provoncha

Michael H. Reich, Esq.

Charles Small, Esq.

Hon. Nancy T. sunshine

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STATE OF NEW YORK



Hon. Craig J. Doran
Supreme Court Justice

Seventh Judicial District
Administrative Judge

January 22, 2018

Hon. Lawrence K. Marks
Chief Administrative Judge
25 Beaver Street
New York, New York 10004

Dear Judge Marks,

This letter is intended to fulfill the obligation of the Surrogate's Court Advisory Committee to consult with the Chief Administrative Judge regarding the state's experience with programs in the use of electronic means for the commencement of actions and proceedings and the service of papers therein and to recommend further appropriate legislation.

The committee has met three times since the 2017 report on electronic filing:

- The first meeting was held on April 26, 2017 and focused on proposed mandatory e-filing in Westchester County Surrogate's Court. This meeting resulted in Administrative Order 84/17, which was signed on April 27, 2017 formally launching the mandatory e-filing program in Westchester County Surrogate's Court, effective May 3, 2017.
- The second meeting was held on August 9, 2017, and focused on proposed mandatory e-filing in Franklin County, Montgomery County, Schenectady County, and Warren County Surrogate's Court. This meeting resulted in Administrative Order 170A/17, which was signed on August 16, 2017, formally launching these mandatory e-filing programs effective August 16, 2017.
- The third meeting was held on January 11, 2018, with a dual purpose:
 - A. It focused on proposed mandatory e-filing in Oswego County, Suffolk County and Ulster County Surrogate's Court.

On behalf of the Committee, I report on its review: The Committee reviewed and evaluated the impact of these proposed mandatory programs. The review included,

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(585) 412-5292 FAX: (585) 412-5328 CDORAN@NYCOURTS.GOV

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Hon. Lawrence K. Marks

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January 22, 2018

but was not limited to: a) the description of the proposed mandatory programs; b) the correspondence announcing the proposed mandatory programs and inviting comments; c) e-filing training sessions offered; d) public posting for comments on the UCS website; and e) that one public comments were received regarding these proposed programs. The Committee found no impediments to moving forward with the above proposed mandatory e-filing programs.

B. In addition, and in anticipation of the issues to be presented to the Chief Administrative Judge for the 2018 report, we circulated a memo offering committee members an opportunity to submit comments regarding implementation of e-filing for inclusion in the report and requested they reach out to their agencies to solicit their input. We further discussed issues to be presented to the Chief Administrative Judge for the 2018 report.

At each of the meetings that focused on the creation of mandatory programs, committee members considered the comprehensive steps taken to notify bar associations, legal organizations, and other interested persons of the proposed programs. After intensive outreach, there has been only one comment from an attorney unaware that the electronic filing rules provide for "attorney exemptions." The rules provide that an attorney shall be exempt from having to file and serve documents electronically by filing a form prescribed by the Chief Administrator indicating in good faith that he/she lacks the required computer hardware and/or equipment; or lacks the requisite knowledge in the operation of such computers necessary to e-file. The E-Filing Resource Center responded to the attorney's comment and offered their assistance if he/she chose to e-file.

The committee did not have any negative or critical issues/comments to present to the Chief Administrative Judge for the 2018 report. As stated in previous submissions, the members of the committee feel that the NYSCEF program is a great product, and the lack of comments is a verification of that.

Thank you for considering our input as you prepare you annual report evaluating the state's experience with electronic filing.

Sincerely,



Craig J. Doran
Administrative Judge
Seventh Judicial District

cc: Committee

Appendix E



GEORGE CAFASSO
CHIEF CLERK

**Family Court of the State of New York
City of New York**

60 LAFAYETTE STREET
NEW YORK, N.Y. 10013

MICHAEL McLOUGHLIN
FIRST DEPUTY CHIEF CLERK

January 19, 2018

Honorable Lawrence K. Marks
Chief Administrative Judge
New York State Court System
25 Beaver Street
New York, N.Y. 10004

Re: Report of Family Court Advisory Committee on e-Filing

Dear Judge Marks,

This letter is intended to fulfill the obligation of the Family Court Advisory Committee to consult with the Chief Administrative Judge regarding the state's experience with programs in the use of electronic means for the commencement of proceedings and the service of papers therein and containing recommendations for further appropriate legislation.

The Committee met on February 11, 2018 to update the members on the progress toward electronic filing of Article 3 and Article 10 proceedings. Screens to allow the initialization of Article 3 and Article 10 proceedings in the New York State Courts Electronic Filing (NYSCEF) system have been developed and are awaiting programming. Uniform Rules of the Trial Courts 202.5-b and 202.5-bb have been amended to reflect Family Court procedures and those rules are being submitted to Counsel's Office for review. Feedback and comments have been solicited from committee members.

Progress toward an e-filing program in Family Court continues slowly do to the limited programming resources available for the project. However, the committee anticipates that development of the initialization screens to allow electronic filing of the subject cases will be a vital element in implementation of the "Raise the Age" (RTA) legislation, addressing concerns regarding transfer of documents among Accessible Magistrate parts, Superior Court Youth Parts, and the Family Courts. As a result, we anticipate this project will be part of the programming goals of the RTA implementation process.

We continue to plan for a phased approach to the electronic filing project. The first phase will include initialization in NYSCEF, utilizing that system to electronically deliver documents to

"

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the court, and electronic service of papers to opposing parties. Subsequent phases of the project will include transfer of data directly into the court's case management system (UCMS) and to compatible systems used by litigating agencies.

Next steps to accomplish a pilot program, as authorized by the legislature, include referral of the amended rules to Counsel's Office and eventual promulgation of those rules for Family Court; working with the Department of Technology to program the NYSCEF initialization screens; and identifying the six (6) counties to pilot mandatory electronic filing of Article 3 and 10 proceedings.

The advisory committee cannot report on the experience with e-filing in the Family Court, however we hope to make progress on the first phase of the project and report our experience next year.

The committee looks forward to continuing the effort to effectuate the electronic filing legislation and expects to be able to report on the progress made toward implementing a program in the 2019 report. Thank you for considering our input regarding the plans for e-filing in Family Court.

Respectfully Submitted,



Michael McLoughlin
Chairperson,
Family Court Advisory Committee on e-Filing

cc: Ron Younkins, Esq.
John McConnell, Esq.
Barry Clark, Esq.
Jeffrey Carucci
Janet Fink, Esq.
Committee Members

Appendix E



STATE OF NEW YORK
UNIFIED COURT SYSTEM
EMPIRE STATE PLAZA
4 ESP, SUITE 2001
ALBANY, NY 12223-1450
TEL: (518) 453-8650

LAWRENCE K. MARKS
Chief Administrative Judge

MICHAEL V. COCCOMA
Deputy Chief Administrative Judge
Courts Outside New York City

January 26, 2018

Hon. Lawrence K. Marks
Chief Administrative Judge
State of New York-Unified Court System
25 Beaver Street
New York, New York 10004

Dear Judge Marks:

The intent of this letter is to fulfill the Supreme and County Court (Criminal) Advisory Committee's (Committee) obligation to consult with the Chief Administrative Judge regarding the state's experience with programs using electronic means (e-filing) for the commencement of proceedings and the service of papers therein, and to offer recommendations for further appropriate legislation.

The Committee has met twice since the 2017 report on e-filing. Outlined below are details of the Committee's activities:

- A very well attended first meeting was held on May 7, 2017, in Albany, and focused on the use of e-filing of accusatory instruments and the filing and service of papers in pending criminal actions and proceedings pending in Supreme and County Courts. The Legislature has authorized consensual e-filing for these matters on a statewide basis and has authorized mandatory e-filing in up to six counties, with the consent of the district attorney, criminal defense bar, and the county clerk. The Committee is pleased to report, based on information and data previously provided by Committee members, that a basic e-filing format has been created. The Committee discussed and further viewed a demonstration of the "test" program created in the NYSCEF training system, with screens modified to accommodate e-filing of a criminal matter. The Committee discussed necessary steps to build on the "test" program and launch the pilot e-filing program for all authorized filings in this court.

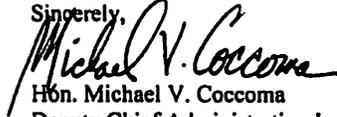
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- The second meeting was held on January 11, 2018, and focused on issues regarding the implementation of e-filing which would be presented to the Chief Administrative Judge for the 2018 report. While the Committee is unable to report on specific e-filing experience at this time, the Committee will soon be able to report on the expected pilot program regarding the e-filing of CPL 730 orders/examinations, which will be made available to the Court and specific evaluating agencies, through the NYSCEF system, and is expected to commence in the first quarter of 2018. The Committee is further committed to implement a pilot program in 2018 for all authorized filings.

The Committee looks forward to continue working together and expects to be able to report on the progress made toward implementing a program in our next report.

Thank you for considering our input as you prepare your annual report.

Sincerely,



Hon. Michael V. Cocco
Deputy Chief Administrative Judge
Courts Outside New York City

MVC:dd
c: Committee

Appendix E

Civil Court
of the
City of New York



CAROL ALT
CHIEF CLERK

111 CENTRE STREET
NEW YORK, NEW YORK 10013

January 29, 2018

Hon. Lawrence K. Marks
Chief Administrative Judge
25 Beaver Street
New York, New York 10004

Dear Judge Marks,

This letter is intended to fulfill the obligation of the NYC Civil Court Advisory Committee to consult with the Chief Administrative Judge regarding the state's experience with programs in the use of electronic means for the commencement of proceedings and the service of papers therein and containing recommendations for further appropriate legislation.

The Committee met on January 11, 2018 to update the members on the progress toward electronic filing in New York City Civil Court since the filing of the 2017 report on electronic filing. Progress has been limited, however, by Administrative Order of the Chief Administrative Judge, effective December 1, 2017, a pilot program was introduced for the consensual e-filing and service of documents in actions commenced in Supreme Court, Civil Branch, New York County, and later removed to the New York City Civil Court pursuant to CPLR 325(d).

Although, the 325(d) applications are quite new, it has been implemented successfully, and the Advisory Committee cannot report any concerns specifically on this limited experience with e-

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filing in the NYC Civil Court. However, it can report it has not been met with any negative comments and/or concerns to date.

The Advisory Committee has also discussed the steps that must be taken to launch additional e-filing programs in this court and is committed to moving forward with additional formats. Although, we expect that further program development for NYC Civil Court will also have the functionality and features of the NYSCEF program in the Supreme Court, and will thus reap the benefits of an already remarkable system.

The Committee looks forward to continue working together and expects to be able to report on the progress made in future reports.

Sincerely,



Carol Alt
Chief Clerk & Committee Chair

cc: (all committee members)

Appendix F

Comments from County Clerks



WESTCHESTER COUNTY CLERK

Timothy C. Idoni
County Clerk

January 10, 2018

Jeffrey Carucci
Statewide Coordinator for Electronic Filing
New York County Courthouse
60 Centre Street, Room 119 M
New York, NY 10007

Dear Mr. Carucci:

Westchester County is again pleased to hear of proposed legislation permitting the expansion of electronic filing under the authority of the Chief Administrative Judge, and eliminating the current restrictions based on case type. It is well known that the NYSCEF program has been met with tremendous success in our county and the Office of the Westchester County Clerk strongly supports expanding the types of civil case categories in Supreme Court. We proudly boast an 88% electronic filing volume in Westchester County in 2017.

Westchester County has participated in the voluntary filing of matrimonial cases in NYSCEF since April of 2013. In 2017, 44% of the matrimonial cases in Westchester have been commenced electronically. We continue to encourage the use of electronic filing for this case type. Filers are becoming increasingly more comfortable and have eliminated any doubts that may have existed regarding confidentiality while utilizing electronic filing. The NYSCEF system has proven that the security and integrity of the documents in these cases is indeed well preserved. Our positive experience with the security features built into NYSCEF is why we support the expansion of electronic filing for civil case categories that are statutorily sealed. Accordingly, we would also support expansion of electronic filing for Mental Hygiene (specifically Article 81 Guardianship) cases, and would encourage any discussions about this specific case category being sealed by statute due to privacy concerns. The incorporation of Mental Hygiene cases as both a voluntary and eventually a mandatory case type in NYSCEF can be seamless once legislation is enacted addressing confidentiality and access to pleadings within Article 81 Guardianship cases.

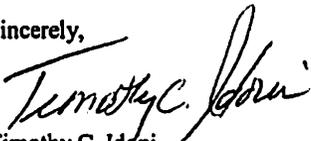
We continue to support the elimination of restrictions for the electronic filing of civil case types such as matrimonial, Article 78, Election Law and Mental Hygiene Law cases. As we

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have indicated in the past, the cost savings are impressive with regards to the scanning of legal documents as well as storage of such papers in the County Clerk's Office. The NYSCEF system is a user friendly and efficient system and has been embraced by staff and the legal community as a reliable and comprehensive means to file their legal documents. We also reiterate that we have developed a long-standing professional relationship with the NYSCEF e-filing administrative team, e-filing Resource Center, as well as the NYSCEF Office of Information Technology, who have been extremely helpful and responsive during the continued expansion and improvement of electronic filing.

Thank you for your consideration of our comments and we understand that these may be included in a report on electronic filing being submitted to the Legislature, the Governor, and the Chief Judge. We are pleased to share how successful the implementation and expansion of NYSCEF has been in Westchester County.

Sincerely,



Timothy C. Idoni
Westchester County Clerk

State of New York



Nancy T. Sunshine
County Clerk, Kings County

360 Adams Street
Brooklyn, NY 11201

MEMORANDUM

January 18, 2018

TO: Jeffrey Carucci
Statewide Coordinator for Electronic Filing
VIA EMAIL jcarucci@nycourts.gov

FROM: Hon. Nancy T. Sunshine *NTS*
County Clerk, Kings County

RE: 2018 Comments on E-filing

The implementation of electronic filing in the Office of the Kings County Clerk has been extremely successful. Attorneys, as well as litigants, continue to express their appreciation for the ease and efficiency of filing documents electronically from their home, office or any remote location with appropriate computer access.

The success of the NYSCEF system in the office of the Kings County Clerk is further demonstrated by the enthusiastic support for the expansion of mandatory e-filing for all tort cases commenced as of March 21, 2016. This success and positive experience with the NYSCEF system is proven by the significant and continuing increase in the e-filing of civil cases over the last two years. In 2016, over twenty-three thousand actions were commenced electronically in the Kings County Clerk's Office via NYSCEF and that number increased to over twenty-five thousand actions in 2017. Furthermore, during the same two years, the Kings County Clerk's Office has seen its traditional paper cases decrease. For 2016, slightly over 6,900 hard copy cases were commenced. In 2017, the number of paper cases decreased to 3,400.

The Kings County Clerk looks forward to the expansion of e-filing into more case types and for the addition of more functionality that will provide increased efficiency from my staff and filers using the NYSCEF system. Towards that end, before any changes to the NYSCEF system is implemented, consultation with certain interested County Clerks and their key staff should occur

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to permit an expedited, brief review and test period prior to rollout of those changes. Providing an avenue for interested County Clerks to assess any changes, whether minor or substantial, will ensure that the NYSCEF system continues to improve and enhance the user experiences of court employees, attorneys and self-represented filers.

Two examples highlight the benefit of collaboration between certain County Clerks and NYSCEF staff prior to rolling out changes to NYSCEF. Recently, a minor change in language used to alert users that their newly filed documents were being scanned for unredacted social security numbers caused some confusion. While the language change was necessary for operational reasons unrelated to court users or the County Clerks, rolling out the change with notice to County Clerks would have permitted better communication between NYSCEF and County Clerks and permitted County Clerks to assist court users with inquiries following this NYSCEF update. Future notice of language changes promotes effective communication and effectiveness in operational changes.

On a more significant change, implementation of sealing orders can vary based on the particular directive in the court order. Collaboration on this issue led to a more robust functionality in the NYSCEF system permitting more efficient implementation. Continued collaboration between NYSCEF and interested County Clerks prior to rollout of NYSCEF updates will promote further successful enhancements.

Thank you for the opportunity to comment on the current success of e-filing in the Kings County Clerk's office, and to contribute my thoughts regarding improvements to further enhance NYSCEF.

Appendix F



Office of the County Clerk *Monroe County, New York*

Adam J. Bello
County Clerk

Jeffery L. McCann
Deputy County Clerk

January 11, 2018

Hon. Lawrence K. Marks
Chief Administrative Judge
60 Centre Street, Room 629
New York, New York 10007

Re: Monroe County E-Filing

Dear Justice Marks:

Thank you for the opportunity to provide comments on electronic filing, particularly as it relates to Monroe County. As you know, we commenced voluntary E-Filing of civil cases on January 18, 2017, pursuant to your Administrative Order AO/24/17, and anticipate the commencement of mandatory E-Filing in January 2018.

At the submission of these comments, the Monroe County Clerk's office has issued over 3,500 E-File index numbers to electronically-filed cases ranging in case types from medical malpractice to money judgments. My office has found E-Filing to be easy, expedient, and has had a positive impact on the work flow for our staff. The partnership with support staff at the NYS Office of Court Administration, led by Jeffrey Carucci, has been critical in making this program a success, and they should be recognized for their innovative and collaborative approach.

In addition, local media and the public continue to applaud the accessibility of documents filed through the New York State Courts Electronic Filing (NYSCEF) website. An important function of the Clerk's Office is to make public records more accessible and readily-available. Online access to electronically filed records allows for remote viewing, and reduces the need to use microfiche and other obscure media.

Electronic filing has saved time and expense for both Clerk staff and our clients, and has dramatically increased accessibility to records by the public. Continued expansion of electronically filed record types will help grow those benefits. Therefore, I would urge the state to consider, in consultation with County Clerks, the Judiciary, Bar Association, and other interested parties, legislation and/or regulations to allow for approval the expansion of electronically filed matrimonial, mental hygiene, and Article 78 cases.

I look forward to the implementation of mandatory E-file program, and remain hopeful that the E-file system can continue to grow and accept additional case types. If I may be of any assistance to you as this process continues, please do not hesitate to call upon me.

Sincerely,

A handwritten signature in black ink that reads "Adam J. Bello".

Adam J. Bello
Monroe County Clerk

101 County Office Building • 39 West Main Street • Rochester, New York 14614
(585) 753-1645 • fax: (585) 753-1650 • www.monroecounty.gov • e-mail: mcclerk@monroecounty.gov

Appendix F



OFFICE OF THE
COUNTY CLERK OF DUTCHESS COUNTY
22 Market Street
Poughkeepsie, New York 12601
(845) 486-2374

Bradford H. Kendall
County Clerk

Anne-Marie Dignan
Deputy County Clerk

Sandra Strid
Deputy County Clerk

January 11, 2018

SENT VIA E-MAIL

Jeffrey Carucci
Statewide Coordinator, e-Filing
NYS Unified Court System
New York County Courthouse
60 Centre Street, Room 119 M
New York, New York 10007

Dear Mr. Carucci:

Pursuant to your request of December 21, 2017 for comments on the continued implementation of electronic filing I offer the following.

In 2017, 5763 civil actions were commenced in Dutchess County. This represents a 7% increase from 2016. Of those actions, 2441 (42%) were commenced in paper and 3322 (58%) were commenced electronically.

Significantly, 773 matrimonial actions were commenced in paper representing 32% of overall paper commencements. An additional 165 matrimonial actions were commenced electronically.

You have also asked for comments related to the authority of the Chief Administrative Judge to expand mandatory e-filing. Dutchess County wholeheartedly endorses this. Time has demonstrated that the NYSCEF system is convenient, efficient and secure. In all cases confidential information and documents are more secure electronically than in paper case files. As seen from the numbers above, the addition of matrimonial actions alone would significantly expand e-filing in Dutchess County.

I believe with the safeguards in place for pro se litigants and sole practitioners, in conjunction with the required consultation with the Bar, legal services and other interested parties, that it is appropriate and desirable to expand the authority of the Chief Administrative Judge to add additional case types that are subject to mandatory electronic filing.

All the best,

A handwritten signature in black ink, appearing to read "Bradford H. Kendall".

Bradford H. Kendall

COUNTY OF SUFFOLK



JUDITH A. PASCALE
COUNTY CLERK

January 11, 2018

Jeffrey Carucci
Statewide Coordinator for Electronic Filing
Office of Court Administration
60 Centre Street
New York, NY 10007

Dear Mr. Carucci:

Thank you for the opportunity to provide comments on Suffolk County's experience with electronic filing ("E-filing") through the New York State Courts Electronic Filing ("NYSCEF") System.

March, 2018 will mark the beginning of the sixth year that Suffolk County has truly been an active E-filing county. Mandatory E-filing of Commercial Division and medical malpractice cases began in March, 2013. Tax certiorari, foreclosure actions and other commercial and tort actions were consensual. Foreclosure actions became mandatory at the end of March, 2014. Effective December 15, 2015, the scope of mandatory case types was expanded significantly to include most case types which could be made mandatory. With additional mandatory expansions in October, 2016 and January, 2017, seventy-five percent (75%) of all new cases filed in Suffolk County are filed electronically. A request to the Chief Administrative Judge has been made to expand mandatory E-filing in April, 2018 to include all special proceedings that are not prohibited as such.

On the whole, my staff, Court staff, attorneys and the public have become even more comfortable with and knowledgeable about E-filing. This is exemplified by the fact that no significant increase in hard copy filings by pro se litigants has occurred since their exemption from E-filing with the enactment of Article 21-A of the Civil Practice Law and Rules ("Article 21-A").

Operationally, we have refined and enhanced our minute system over the last year to include an electronic stamping program for certain judgments and creating a routing system using other NYSCEF functionality to simplify the processing of consumer credit judgment applications, among others. Throughout these changes, Resource Center staff has been a tremendous help in testing our system and fixing errors that occur.

Article 21-A was amended in 2017 continuing the grandfathering of Suffolk County, and a handful of other counties, permitting them to continue mandatory E-filing for residential

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foreclosures. Unfortunately, this permission sunsets on September 1st of this year. Neither I nor my staff have received any comments, calls, letters or other information suggesting any defendants have not receive proper notice, that any due process rights have been violated which prompted the decision to sunset this authorization. This is in fact the most common case in which we receive hard copy submissions from defendants.

It is my hope that not only will residential foreclosures and consumer credit cases be made mandatory on a permanent basis, but that the consensual only cases referred to in Article 21-A will be authorized to be filed on a mandatory basis. In this way, each county can choose for itself how and what it wants to file electronically. It is our experience in Suffolk County that mandatory, rather than consensual, authorization significantly reduces the rate at which opt-outs are filed. Our experience also shows that consensual, rather than mandatory, authorization also significantly reduces the rate of initial filing electronically.

Suffolk County is eager to further expand electronic filing and build on the great progress already made. I look forward to serving as a member of the committee tasked to implement criminal E-filing in County Court and becoming a pilot county.

Thank you again for the opportunity to allow this Office to share its experience with E-filing. We look forward to continuing to work together to enable this program to grow and succeed.

Sincerely,



Judith A. Pascale
Suffolk County Clerk

Appendix F

PAUL PIPERATO
County Clerk



COUNTY OF ROCKLAND
OFFICE OF THE COUNTY CLERK
1 SOUTH MAIN STREET - SUITE 100
NEW CITY, NEW YORK 10956-3549
Phone # (845) 638-5070
Fax # (845) 638-5647
E-Mail: piperatp@co.rockland.ny.us
Website: rocklandcountyclerk.com

Deputy County Clerks

Donna Gorman Silberman
Jamie Maria Graham
Joseph Alongi

January 10, 2018

Mr. Jeffrey Carucci
Statewide Coordinator for E-Filing
New York State Unified Court System
New York County Courthouse
60 Centre Street, Room 119M
New York, NY 10007

Dear Mr. Carucci:

I am pleased to provide comments about the impact that e-filing has had on our office. Our positive experiences are as follows:

- Extremely cost effective.
- Saves us time by not having to shuffle and file paper documents.
- Very efficient - We have been able to do more work with less staff.
- There has been a lot of positive feedback from everyone that utilizes NYSCEF.
- The pro-se litigants that come to our office are explained the availability and benefit of e-filing, but that they are not required to efile. We explain that we have scanners available for them if they want to register and efile. If they still want to file in paper, we will upload the papers for them, making sure the NYSCEF record is complete.
- All papers are available for viewing immediately, files don't need to be pulled from the filing room.
- Everyone involved with the filing of documents in the NYSCEF system has only positive comments.
- When cases are transferred to other counties, papers don't have to be moved. We can create a disc of all documents and send it to another county that doesn't e-file.

Negative

- Attorneys complain that the judges still require working copies.

Overall, we have been pleased with e-filing and request that all case types be made mandatory.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donna Silberman".

Donna Silberman
Deputy County Clerk



Queens County Clerk
Clerk of the Supreme Court
Commissioner of Jurors



Audrey I. Pheffer
*Queens County Clerk
Clerk of the Supreme Court &
Commissioner of Jurors*

Francis K. Kenna, Esq.
Chief Deputy County Clerk

Alexis Cuffee
First Deputy County Clerk

Ruth Deutsch
Second Deputy County Clerk

Jo Ann Shapiro
Second Deputy County Clerk

Alexandra Zervopoulos, Esq.
Counsel to the County Clerk

January 9, 2018

Jeffrey Carucci
Office of Court Administration
60 Centre Street
New York, NY 10007

Dear Mr.  Carucci,

Queens County has been very satisfied with the implementation of mandatory electronic filing in foreclosure, medical malpractice and commercial matters and hopes that foreclosure cases remain mandated in Queens County. Queens County looks forward to the further expansion of electronic filing of tort actions as well as other case types in the very near future. Mandatory electronic filing has proven to be very cost-effective. It has greatly reduced the number of paper filings in the system, conserving staff time, storage, paper and printing costs.

Additionally, electronic filing promotes greater convenience to its users and the public. It provides instant access to court records without the need to come into the courthouse. Users and the public are able to commence actions, file and view court documents from their own computers even in off hours, weekends and snowstorms.

There is a constant collaboration between our county and the New York State Courts Electronic Filing Resource Center (NYSCEF) to continuously improve and enhance the system. NYSCEF is always willing to address any concerns and provide improvements to the system. We look forward to continue working with NYSCEF to expand mandatory electronic filings in all case types in Queens County.

Very Truly Yours,

Audrey A. Pheffer
Queens County Clerk

EXECUTIVE OFFICE: 88-11 Sutphin Boulevard, Room 105, Jamaica, New York 11435, (718) 298-0601
89-17 Sutphin Boulevard, Room 244, Jamaica, New York 11435, (718) 262-7223
120-15 Queens Boulevard, Room CJI, Kew Gardens, New York 11415, (718) 298-0621
25-10 Court Square, Room B5B, Long Island City, New York 11101, (718) 298-0624

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January 3, 2018

Mr. Jeffrey Carucci
Statewide Coordinator for
Electronic Filing
NYS Unified Court System
New York County Courthouse
60 Centre Street, Room 119 M
New York, New York 10007

RE: New York State Courts Electronic Filing Program

Mr. Carucci,

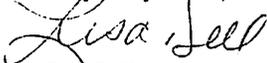
Having held office for two years now, I have had the opportunity to experience the full effect of e-filing and its benefits. E-filing's component of immediate access and retrieval of documents makes for a very efficient, customer friendly work environment. The electronic storage of these documents is another asset of the program. We are a large, high volume office and just do not have the extra storage space to hold paper.

I am very pleased to say that the e-filing program and its proven benefits was one reason why we were incentivized to move our office further into the electronic age. Our customers now have immediate access to other public records, including images, via the internet that they never had before. With this upgrade we also have the capability of accepting land records and other related documents electronically, similar to the e-filing program, which has also proven to be very successful with the same benefits.

Our office looks forward to 2018 and the expansion of our consensual e-filing program to include all new civil case types that are not mandated. This will only significantly add to the efficiency that e-filing brings to our office. I will continue to strongly suggest that criminal actions at some point in the near future be included in the e-filing program.

I am very pleased to say that my office continues to have an excellent working relationship with our court system here in Onondaga County. I look forward to continuing to work with them and all parties involved with this process.

Very Truly Yours,



Lisa Dell

Lisa Dell

Appendix F

COUNTY CLERK'S OFFICE – CORTLAND COUNTY

ELIZABETH LARKIN
County Clerk

TAMMY L BARRIGER
Deputy County Clerk

BROOKE KEMAK
Deputy County Clerk

Sonia Ganoung
Director, Motor Vehicles

Courthouse
46 Greenbush Street, Suite 105
Cortland NY 13045
(607) 753-5021
Fax (607) 753-5378

Motor Vehicle (607) 753-5023
Fax(607) 758-5500

elarkin@cortland-co.org



December 26, 2017

Jeffrey Carucci, State Wide Coordinator for E-filing
Office of Court Administration
60 Centre Street
New York, NY 10007

Dear Mr. Carucci:

Thank you for inviting me to comment on NY State's e-filing system, NYSCEF. The Cortland County Clerk's Office began consensual e-filing in January of 2014. Steadily, over the last four years, the number of cases that are electronically filed have increased. Today more than 50 % of our civil cases are electronically filed. We are anticipating mandatory e-filing to commence in January of 2018. I received an e-mail last week from a local attorney who thanked me for offering e-filing and e-recording. She stated that there is nothing better than working from her warm cozy office without having to go out on a blustery, snowy winter day.

The NYSCEF resource center continues to be an invaluable resource for both the county clerk's office and e-filing submitters. They are professional and helpful when the occasional help is needed.

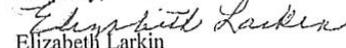
E-filing has no effect on pro se litigants in Cortland County. If a case is commenced by e-filing and the Defendant brings us their hard copy papers to file, my staff files these in NYSCEF. Once this is filed in NYSCEF the Plaintiff is notified that the Defendant is not e-filing and that hard copy communication and notices must be sent or delivered. My staff continues to enter the Defendant's submissions into NYSCEF and the Plaintiff continues to e-file their documents until the case is closed. All filings are pulled from the NYSCEF site into the County Clerk's electronic document management system every half hour. Any public civil case, whether it is e-filed or hard copy filed, is available on the internet on the Cortland County Clerk's website within 8 hours of submission and can be viewed or printed at no fee. Public documents are viewable at the County Clerk's Office within minutes of receiving them.

E-filing has made my office more efficient. Not only has e-filing saved a tremendous amount of staff time for submitted hard copy records and the time spent requesting From OCA that these duplicate records be destroyed.

I strongly support legislation that would allow the Chief Administrative Judge to expand the mandatory e-filing program. As explained above, provisions are made in all "mandatory" e-filed cases for those who are unable to e-file or who do not have legal representation and do not wish to e-file.

In Cortland County we look forward to working with the NYSCEF staff to further civil e-filing and to commence criminal e-filing.

Sincerely,


Elizabeth Larkin
Cortland County Clerk

Appendix F



PUTNAM COUNTY CLERK'S OFFICE

County Office Building
40 Gleneida Avenue
Carmel, New York 10512
Tel. (845) 808-1142
Fax (845) 225-3953

MICHAEL C. BARTOLOTTI
County Clerk

JAMES J. McCONNELL
First Deputy County Clerk

January 29, 2018

VIA ELECTRONIC MAIL

Jeffrey Carucci
Statewide Coordinator, E-Filing
NYS Unified Court System
New York County Courthouse
60 Centre Street, Room 119M
New York NY 10007

Dear Mr. Carucci:

In 2017, 2,011 civil actions were commenced in Putnam County. Putnam County instituted mandatory electronic filing of all permitted actions on May 3, 2017. We also allowed for permissive e-filing on all other case types. Of the actions filed in 2017, 1,085 representing 54% were electronically filed.

We are extremely pleased with the efficiency that electronic court filing has brought to this office. The recent enhancements made to the NYSCEF system has really come "full circle" and made the system a fully functional and secure means to electronically file court documents. We feel extremely comfortable with the controls within the system and are ecstatic with the amount of participation from the members of our local bar. As such, we fully support any initiative to expand the powers of the Chief Administrative Judge to expand mandatory electronic filing to all case types upon consultation with the respective County Clerk.

Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael C. Bartolotti".

Michael C. Bartolotti
Putnam County Clerk

MCB/mb

Appendix F

From: MStrickland@co.livingston.ny.us [mailto:MStrickland@co.livingston.ny.us]
Sent: Tuesday, December 26, 2017 2:52 PM
To:
Subject: Re: Request for comments re: New York State Courts Electronic Filing Program

Good afternoon:

Thank you for reaching out on e-filing.

I have no comments to make, however want you to know that everything is going great!

Happy New Year!

Mary

*Mary F. Strickland
Livingston County Clerk
6 Court Street
Room 201
Geneseo, New York 14454
(585) 243-7010*

Appendix F

From: Marse, Yvonne <ymarse@orangecountygov.com>
Sent: Thursday, January 11, 2018 2:07 PM
To: Jeffrey Carucci
Subject: Comments of e-filing

Jeff,

Please see the comments below from the supervisor of our Court Papers Office.

I have two comments that I would like addressed:

1. When uploading a non-motion document such as an Answer, a preview window of the PDF would be helpful before hitting file document. This way the person uploading the document can view the image they have chosen to verify it's the correct one before selecting file document.
2. By removing 'NOTICE' as an option for filing has caused more of a problem in the county clerk office having to correct the doc type. I would like to see NOTICE added back to list of doc type.

Yvonne Marse

Executive Secretary/Administrative Assistant
Orange County Clerk
4 Glenmere Cove Road
Goshen, NY 10924
845-291-2694

This communication may contain confidential information and is intended only for the individual or entity to whom it is addressed. Any review, dissemination, or copying of this communication by anyone other than the intended recipient is strictly prohibited. If you are not the intended recipient, please contact the sender, and destroy all copies of the original message. No responsibility is accepted by Orange County Government for any loss or damage arising in any way from receiving this communication.

This message has been scanned for malware.

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Comments from Bar Associations
and Other Groups

MANAGING ATTORNEYS AND CLERKS ASSOCIATION, INC.

Timothy K. Beeken, *President*
Dennis Murphy, *Vice-President*
Owen G. Wallace, *Treasurer*
Peter McGowan, *Secretary*

Maura A. McLoughlin, *Immediate Past President*

John D. Bové
Richard V. Conza
Henry J. Kennedy
Bradley Rank
Robert T. Westrom
Ira E. Wiener
Directors

Timothy K. Beeken, Esq.
Debevoise & Plimpton LLP
919 Third Avenue
New York, NY 10022
212 909 6518
tkbeeken@debevoise.com

January 5, 2018

Mr. Jeffrey Carucci
Statewide Coordinator for Electronic Filing
NYS Unified Court System
New York County Courthouse
60 Centre Street, Room 119M
New York, New York 10007

Re: New York State Courts Electronic Filing Program

Dear Mr. Carucci,

I am writing on behalf of the Managing Attorneys & Clerks Association, Inc. to offer our comments on NYSCEF generally and on the possibility of making e-filing mandatory in matrimonial cases in particular. We welcome this opportunity and thank the Chief Administrative Judge for his December 15, 2017 letter soliciting the views of the bar on this important subject.

As you know, MACA is comprised of more than 120 law firms with litigation practices, primarily large and mid-sized firms. Our members' positions within our respective firms and concomitant responsibilities afford us a breadth of understanding of the day to day operations of the various state and federal court systems. In particular, our members have extensive experience with e-filing in NYSCEF, in other states' e-filing systems and in the federal e-filing system. In a majority of our member firms, the actual filing of litigation papers in NYSCEF is performed by managing attorney/managing clerk staff.

In addition, a substantial portion of our member firms handle matrimonial actions in New York Supreme Court—some as part of their regular business and many on a pro bono

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basis. As a result, we are able to comment on the basis of extensive experience filing matrimonial papers in hard copy and a reasonable amount of experience e-filing matrimonial papers pursuant to the current consensual program.

Our overall experience with NYSCEF continues to be very positive. Our membership gives the system high marks for usability and reliability. We are especially grateful for the receptiveness of NYSCEF's administrators to ideas to improve the system and their responsiveness to concerns we may raise about one aspect of the system or another.

An excellent example of that responsiveness is the solution NYSCEF administrators developed for sealed filings in actions that are not sealed in their entirety. We approached NYSCEF administration at the end of 2016 when one of our members' filing that was meant to be sealed was obtained by a commercial service during the few moments between the filing of the document and the Court sealing it in NYSCEF, as a result of which the client's sensitive information became widely published. Within a matter of months, NYSCEF administrators came up with a workable solution that makes the filing temporarily inaccessible to the public from the moment it is filed, pending application for a sealing order. That solution is now just awaiting final approval before it is implemented.

Our membership also enthusiastically supports expanding mandatory e-filing to some of the case categories that now are excluded, such as matrimonial actions and Article 78 proceedings. The ability to serve and file via NYSCEF generally makes those processes less time-consuming and more efficient. That increased efficiency favorably impacts the cost of matrimonial actions for paying clients, and also favorably impacts the cost to law firms of providing pro bono representation in such cases. NYSCEF also facilitates control over the record, which likely would eliminate the phenomenon of misplacement of portions of the file and consequent delays that we experience from time to time in hard copy cases. We have not experienced any problems in our consensually e-filed matrimonial actions that would suggest any intrinsic incompatibility with e-filing.

* * *

Again, we are grateful to the OCA for soliciting the views of the bar on NYSCEF. We are enthusiastic supporters of the system, and eagerly await the launch of e-filing in the Appellate Division as well as other expansions of mandatory e-filing.

Respectfully submitted,

/s/Timothy K. Beeken

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📧 Reply all | ▾ 🗑 Delete Junk | ▾ ...

Re:New York State Courts Electronic Filing System

RO

RCBA Online <rcbaweb@gmail.com>

Fri 1/5, 8:40 AM

eFiling Comments; Allyn J. Crawford <acrawford@crawfordbringslid.com> ▾

📧 Reply all | ▾

Inbox

Dear Mr. Carucci:

Receipt of Justice Mark's December 13, 2017 request for comments as to the implementation of the New York State electronic filing program is acknowledged. Discussion of this request was had at our January 2, 2018 board of directors meeting.

On behalf of our Association, we wish to report that the electronic filing system has been very well received by our members and that the feedback we received has been overwhelmingly positive.

Our membership has related that the system saves them time and the expense of having to physically file papers with the Court and County Clerk's offices. The accessibility of filed documents is also a benefit to our members. The system is generally "user friendly" and we have no reports of any serious problems or issues with its implementation.

Our membership is also in favor of the expansion of the program and the elimination of certain restrictions on electronic filing, provided that safeguards are available to protect clients' personal and sensitive information. In particular, the expansion of the program to matrimonial actions would be appreciated by our matrimonial practitioners.

Further, we welcome possible expansion of electronic filing to the Civil Court.

We look forward to the opportunity to be included in a review of any future proposed expansion of the electronic filing system.

Suzanne Vidal
Executive Director

On Behalf Of:
Allyn J. Crawford
President

Richmond County Bar Association
25 Hyatt Street, Suite 203, Staten Island, NY 10301

Phone: 718-442-4500
Fax: 718-442-2019

Appendix G



STEPHANIE L. BURNS
President

DOLORES GEBHARDT
Secretary

RICHARD S. VECCHIO
President-Elect

WENDY M. WEATHERS
Treasurer

HON. LINDA S. JAMIESON
Vice President

KELLY M. WELCH
Immediate Past President

JAMES L. HYER
Vice President

New York State Courts Electronic Filing Program WCBA Comment from Members

- Makes practicing in more than one courthouse much easier. Streamlines office practices and is in line with storing files electronically. Reduces paper and man hours filing documents.
- Don't have e-filing if you are going to permit the judges to ask for working copies. The entire point is to save time and paper and this double doing only increases costs to clients.
- Discovery demands and responses should not be e-filed. Currently they are not required to be, but there is the option on the menu. It should be deleted. The reason is that the two sides sometimes get into games as to who served what first and who therefore has priority. Someone who e-files an answer at 8 p.m. and serves a Notice of Deposition via regular mail the next day (because the secretary has gone home) finds the next morning that his adversary has priority because he served a Notice of Deposition at 11:30 p.m. The ultimate result will be that everyone will feel the need to e-file *everything*. Also with e-filing discovery responses, we have to go through everything to delete personal information (which we don't have to do if serving by regular mail).
- Let's say a Notice of Entry was served via ECF and concurrently via regular mail. Does the adversary have 30 days to service a Notice of Appeal or 35? This issue has cropped up in a couple of my cases (where the adversary e-filed a Notice of Appeal on the 34th day) and the Appellate Division seems reluctant to rule on it. It should be decided by the Administrative Judge via a change in rules.
- With all due respect, in the past 17 years of my practice, it has NEVER taken me longer than in recent weeks to receive even *Preliminary* Letters Testamentary. Submitted an Application on 10/9 but the Decree was not issued until 11/27. Honestly, what is the point of even having a procedure to obtain prelims?

Not sure whether this is a function of the mandatory e-filing system, or just having one (1) active probate clerk in Westchester, but seriously, something's gotta give. Extremely frustrating.

- If e-filing is going to be required in matrimonial cases, it should be recognized that the security of electronic systems cannot be guaranteed and that special care should be taken to detach highly sensitive personal information from the e-filing process.

The rules governing electronic filing should require that highly sensitive personal information of the parties and their children (social security numbers, dates of birth, and children's full first names) be omitted from e-filed documents. A single document containing this information should be mailed (US postal service) or hand-delivery to the County Clerk. (US Mail, too, is becoming less and less secure, so a wise attorney would have the mail hand carried to the post office). There may also be circumstances in which addressed should not be e-filed. The Certificate of Dissolution, because it contains such a concentration of personal information in a single document, should also be filed via mail or hand delivery to the Clerk.

The documents that are e-filed should only contain the minimum amount of personal information necessary for processing. If there is to be any mention of social security number in the e-filed documents, it should contain

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no more than the last 4 digits ("xxx-xx-1234"). If a birthdate is to be mentioned in e-filed papers, it should only contain the year of birth. Children should only be identified in e-filed documents by initials or first initial and last name.

Appendix G

COURTHOUSE NEWS SERVICE

30 N. Raymond, Third Floor, Pasadena CA 91103, (626) 577-6700, home@courthousenews.com

January 11, 2018

Lawrence K. Marks
Chief Administrative Judge
State of New York Unified Court System
25 Beaver Street
New York, NY 10004

Dear Judge Marks

As the editor of Courthouse News Service, I am submitting this letter as public comment on the public access component of NYS Courts Electronic Filing.

As it now operates, New York's e-filing system allows for excellent press coverage of the courts, consistent with the First Amendment right of access to court records. The press and public access system contained within NYSCEF matches the First Amendment standard set in the nation's federal courts, and it provides a first-rate example for individual state courts all around the nation.

The public access component of NYSCEF provides the electronic equivalent of the traditional access journalists had to paper filings, particularly in New York City, translating that paper access into the new medium of electronic filing and storage of court records. But in so doing, the Chief Judge, Governor, Legislature and the Chief Administrative Judge have broadened and deepened public access by extending it to smaller courts outside New York City where much important litigation takes place. This system allows the press to observe and report on newly filed court records, a regular source of news, immediately and contemporaneously, as the new matters cross the electronic transom into the state courts and become public records.

I should also give a tip of the hat to the NYSCEF programmers who in early 2017 deftly and swiftly set up the public access component of the e-filing system, which has worked perfectly, and without any adverse consequence, since then.

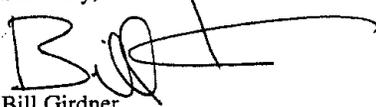
I go back a ways, and remember the press corps that covered the state courthouse on Foley Square late in the last century. The reporters would troop in from the press room at the end of the day to look through stacks of law and commercial complaints, and see each and every new case filed that day up until the filing counter closed. The same was true in the Brooklyn courthouse, where journalists searched the new civil cases at the end of the day for news. And the courts in New York City regularly generate news.

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The access standards put in place as part of the NYSCEF system allow that tradition of journalism in New York to continue in the digital era, adapting public access to changing technology and allowing the increasingly rapid press cycle to include contemporaneous coverage of newsworthy litigation. Journalists are now able to review all electronically filed documents, including complaints, motions and judicial rulings, as they are filed in all 27 New York counties that allow or require e-filing. That includes courts in the 16 biggest counties in New York, jurisdictions that cover 80 percent of the state's population. As more New York courts move over to e-filing, we fully expect those courts to keep the high standard of access set by the state of New York.

News reporters on the courthouse beat have an important role in the operation of our great democracy. They put a window on the courthouse, allowing the public to see inside, allowing those who hear, read or watch the news to know what is going in the courts and talk about it. Courthouse News recognizes and appreciates the policy decisions of the Chief Judge, Governor, Legislature and the Chief Administrative Judge in giving the press a powerful new tool to cover the courts, in keeping with a long history of prompt and open access to court documents in New York and in keeping with the role of the press under the First Amendment.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Girdner", with a long horizontal stroke extending to the right.

Bill Girdner
Editor
Courthouse News Service

Appendix G

(No subject) Reply all Delete Junk | v ...

E ellen@intercountyjudicial.com Tue 1/16, 11:41 AM eFiling Comments v Reply all | v

Inbox

As President of the New York State Process Servers Association, my recommendation would be that E-courts should be opened up to Process Serving Agencies allowing them to process files with their own username and passwords and not require the attorney authorization forms. They should also allow for third party integration so that third party databases can be allowed to interface with it. This would make the process much smoother.

Ellen Eakley

President

New York State Professional Process Servers Association

914-328-1069 x 201

www.nyshpsa.org



**NEW YORK
CITY BAR**

COMMITTEE ON ENVIRONMENTAL LAW

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January 23, 2018

Statewide Coordinator for Electronic Filing
NYS Unified Court System
New York County Courthouse
60 Centre Street, Room 119 M
New York, New York 10007
efilingcomments@nycourts.gov

Dear Mr. Carucci,

We are writing on behalf of the Environmental Law Committee of the New York City Bar Association in response to your December 15, 2017, letter seeking comments on the proposal to expand mandatory electronic filing ("e-filing"). While we do not express any opinion on the legal questions raised in the notice, we would like to express our strong support for the efforts to expand e-filing because of the substantial environmental benefits.

E-filing provides a wide range of significant environmental benefits, including reducing wood use, energy use, and greenhouse gas emissions. Indeed, in an e-filed case, the court and all parties to the action are provided with the same documents as they would receive in a non e-filed case. The difference between an e-filed case and a non-e-filed case is that the documents are provided electronically and thus the e-filed case avoids the environmental costs associated with printing documents to be filed with the court, copying documents to be served on other parties to

Appendix G

the action,¹ and physically delivering documents to court for filing. Attorneys may choose to print e-filed documents, but typically only do that as needed.

The e-filing data provided in the December 15 letter help illustrate the immediate benefits that would result from the proposed expansion of e-filing. According to the letter, 7700 matrimonial cases have been e-filed to date. Under an extremely conservative assumption that each of the 7,700 matrimonial cases would have required printing 25 total pages of paper,² e-filing in those cases saved 192,500 pages of paper.³

Assuming that the pages of paper are standard copy paper (and using the Environmental Defense Fund's paper calculator),⁴ e-filing in those cases produced the following environmental benefits:

- 14 tons of wood used to create the paper were saved;
- 125 million BTU's of energy needed for paper production were saved; and
- 21,565 pounds of carbon dioxide equivalent emissions were avoided.

Those numbers do not account for the additional savings from avoiding copying the documents for opposing counsel and avoiding thousands of trips needed to transport the paper filings to court and opposing counsel. By avoiding having to make those copies and take those trips, e-filing helps avoid additional greenhouse gas emissions and reduces the use of toner and ink cartridges that contain hazardous materials and could adversely affect the environment when discarded.

The 7700 matrimonial cases that have been e-filed to date is only a tiny fraction of the total number of cases filed each year in the state, but these numbers are illustrative of the fact that further expansion of e-filing would greatly benefit the environment. In 2016, a total of 45,150 uncontested matrimonial cases were filed in Supreme Court. A total of 3,435,146 cases were filed statewide in the trial courts and 9,359 records on appeal were filed in the appellate divisions.⁵ As former Chief Justice of the New York Court of Appeals, the Honorable Judith Kaye, explained in the *Environmental Action Plan for the New York State Court System*, the cost of producing and transporting the "mountain of paper" for that caseload takes a "substantial toll

¹ Pursuant to 22 N.Y.C.R.R. 202.5-b(b)(2), at the consent of opposition parties, service of documents in e-filed cases may be accomplished by e-filing.

² See Judith S. Kaye and Ann Pfau, *GreenJustice, An Environmental Action Plan for the New York State Court System* at 7 (2008) ("Assuming, conservatively, that the average court file consists of only 25 pages, the four million new cases initiated in New York each year result in the filing of 100 million pieces of paper in the courts, with the same amount of paper being sent around the State for service on each of the opposing parties."), available at <https://www.nycourts.gov/whatsnew/pdf/NYCourts-GreenJustice11.2008.pdf> (last visited Jan. 10, 2018).

³ This estimate does not account for the pages of paper that would be used by attorneys who chose to print e-filed documents. But given that the estimate of pages is extremely conservative, the fact that some parties may choose to print certain documents on an as-needed basis, should not cause a measurable change in the environmental savings.

⁴ See Environmental Paper Network, <http://c.environmentalpaper.org/baseline> (last visited Jan. 10, 2018). One ream of paper contains 500 sheets. To get 192,500 sheets of paper, 385 reams are needed. Each ream is 20 pounds. 385 reams times 20 pounds is 7700 pounds total.

⁵ New York State, Unified Court System, 2016 Annual Report at 25-26, available at http://nycourts.gov/reports/annual/pdfs/16_UCS-Annual_Report.pdf (last visited Jan. 10, 2018)

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February 8, 2018

Jeffrey Carucci
Statewide Coordinator for Electronic Filing
NYS Unified Court System
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Dear Mr. Carucci

On behalf of the New York County Lawyers Association's Committee on the Supreme Court (the "Committee"), we write to express our enthusiastic support for the proposed expansion of mandatory e-filing set forth in the letter from the Honorable Lawrence K. Marks dated December 13, 2017 (the "Proposal").

The Committee has been advocating for all the Courts of the State of New York (with limited exceptions) to adopt mandatory e-filing, and to expand mandatory e-filing to cover the categories that are the subject of the Proposal.

Since the time that New York courts introduced e-filing, there is a growing consensus among judges and litigators that e-filing has made the court system more efficient and easier to access. As society as a whole becomes more digital, it is incumbent upon the legal community to keep pace, particularly as it may serve to further the interests of justice. Aside from the obvious environmental benefits of e-filing, the system has been more efficient for practitioners, cost effective for parties, and has improved the productivity of the court system by, *inter alia*, reducing the need to maintain archives of paper documents.

E-filing also fosters an equal playing field and full transparency for litigants and the public, as access to information is readily available to virtually every member of the public, given that public libraries offer internet access. The members of this Committee can attest to the many ways in which e-filing has increased efficiencies and access to information. Importantly, we note that the Proposal appropriately balances the benefits of expanding mandatory e-filing with the need to allow for exceptions where warranted.

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**New York
County Lawyers
Association**

SUPREME COURT COMMITTEE

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In light of the above, the Committee strongly supports the Proposal, and appreciates the court system's continued efforts in this area. If the Committee can be of any further assistance, please let us know.

Very truly yours,

/s/ Tom M. Fini
/s/ Craig S. Kesch

Co-Chairs of the Supreme Court Committee

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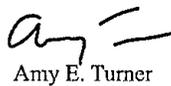
on the environment.”⁶ Because of the substantial environmental benefits, we strongly support any efforts to increase e-filing in New York State.

Respectfully submitted,



J. Kevin Healy

Environmental Law Committee
New York City Bar Association



Amy E. Turner

⁶ See Kaye and Pfau, *GreenJustice* at 7-8, *supra*.

Appendix H

Comments from Unaffiliated
Attorneys and Other Individuals

Appendix H

Sent: Thursday, December 21, 2017 11:25 AM

To: eFiling Comments

Subject: matrimonial e-filing

Thank you for allowing us the opportunity to provide some comments, particularly regarding matrimonial matters. I trust these comments will be held confidential.

Overall, I am very happy with the option! We have seen uncontested divorces turned around at an extremely quick pace.

I have heard some attorneys be concerned with the payment feature. For example, they did not have a business credit card, so they have had to put filing fees on a personal credit card. That caused some concern for her.

We have also noticed that some judges also require a "working copy" to be submitted to chambers as well. Then, I have heard that the Judge also requires you to serve opposing counsel with the hard copy as well. Maybe they are just getting used to the new system, but it seems like that has created the opposite of the benefit of e-filing.

Thank you for your consideration of this information.

Appendix H

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Experience with NYSCEF

RM Robert Miletsky <rjmiletsky@rjmiletsky.com>
Fri 12/22/2017, 11:30 AM
eFiling Comments ▾

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The message sender has requested a read receipt. To send a receipt, click here.

Good morning Mr. Carucci:

I respectfully advise that my experience is that the system works fine (knock wood.) It is much easier to use than the Federal Court's electronic filing system - which almost seems purposely hard to navigate or figure which category applies. Your system eliminated the kinks and really is User Friendly. (I was going to say that the system is virtually "idiot proof" but I would never put that in writing.)

My only request would be to tie the system to the Court's tracking system which sends notices and reminders for each case. I always forget to sign onto the tracking system for a new case that I file on the Court's electronic filing system. If that can be done automatically, that would be a great convenience. But the filing system itself is very easy to use. When an issue or question arises, the staff is very quick to respond.

Thank you and Happy Holidays and New Year.

Robert J. Miletsky, Esq.
Contributor: Expert Commentary - Construction Law:
International Risk Management Institute, Inc. (IRMI.com)
Fmr Editor and Writer: Contractors Business Management Report

Law Office of Robert J. Miletsky
[Affiliated: Miletsky & Miller, P.C.*]
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Comment re mandatory e-filing of matrimonial cases

MB

Marcy Blake <MBlake@joneslawllp.com>

Fri 12/22/2017, 3:51 PM

eFiling Comments ▾

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I am not in favor of mandatory e-filing of matrimonial cases, though I do support voluntary, consensual e-filing. The redaction required in some matrimonial cases, which often involve numerous financial documents with personal information, as well as personal information about minors, can be highly burdensome. Also, notwithstanding the good intentions and efforts of the New York State Courts to protect electronically filed information, there may come a time when those efforts are not enough to prevent hacking/ unauthorized access to electronically filed documents.

Thank you in advance for your consideration of comments.

Marcy Blake

Associate

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JONES, LLP

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Electronic Practice

RP Reply Richard F. Firtzler <rfirtzler@gmail.com>
Sat 12/23/2017, 10:33 AM
eFiling Comments ▾

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The question is not whether electronic filing should be expanded to all proceedings, but, rather, whether there shouldn't be much a broader expansion of the use of electronic communication to make litigation far more efficient. Electronic communication --whether in the form of video conferencing, email, document/calendar sharing-- should be implemented in the place of the cursory show-ups for "preliminary conferences" or "scheduling conferences", which consume vast quantities of lawyer time to do things that could be accomplished in a few minutes, and at one's desk; personal appearances at court should be the exception, not the rule, in a world where the real addresses are in cyberspace. Appearances for live fact finding (trials, hearings) and dispositive motions are appropriate. Appearances to set discovery deadlines are virtually defeating: we are constantly admonished to get things done in a timely way, while having our time whittled away and wasted to schedule getting things done.

The e-filing system should be expressly recognized as performing the function of serving filed papers on all counsel. Filing is service. Affidavits of service for e-filed papers should be eliminated: the filing is self-authenticating and the service is *ipso facto*. At the same time, paper service of filed papers should be eliminated; not 1/100th of what is printed should be. All filed papers are there to be seen. If someone needs a print copy, they can hit "print".

The burden of paper has become an absurdity, and frequently simply the most inefficient possible way to get material from the computer from which it is printed out and shipped to the recipient, who takes it apart and scans it to get it into his computer. The burden of how many tons of paper daily does our present inefficient system impose on the court system itself, on the delivery systems and manpower of all concerned?

While you're at it, end faxing. Faxing requires scanning a document which is then transmitted over the phone lines to a printer, which will spit out the document, and generally whether the recipient wants it or not; that will only be known after it's printed out. Emailing attachments requires scanning a document and attaching it to an email to the recipient, who can do what he likes with it, including printing it if wishes.

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law practice much as Westlaw/Lexis revolutionized and simplified legal research. Thousands and Tens of Thousands of legal hours (and hundreds of millions of insurance premium-payers dollars) could be saved by the simple switch to electronic scheduling, argument of non-dispositive motions, and much else. Appearances are very, very expensive, and we're all paying for it.

Richard Pertz, Esq.
12280 Rt. 365
Remsen NY 13438
315 723 6949

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Comments on Electronic Filing Program

IN ILDIKO NYARI <ildiko.nyari@outlook.com>
Mon 12/25/2017, 9:40 PM
eFiling Comments ▾

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This message was sent with high importance.

Comments on Electronic Filing Program

Users' experience with NYSCEF

To: efilingcomments@nycourts.gov

Jeffrey Carucci, Statewide Coordinator for E-Filing
60 Centre Street, Room 119M - New York, New York 10007

I have open cases, as a party to all those cases, at four different courts, and I am not an attorney:

- One is at the *Appellate Term*, at the Civil Court, Kings county, 111 Livingston street with manual filing mechanism.
- Two cases at the *Supreme Court* of NY, Kings county, 360 Adams street where I had the opportunity to experience the e-filing mechanism.
- One of the above cases is now open at the *Appellate Division*, Kings county, 360 Adams street, therefore it has a leg at the Supreme Court above. Therefore, this one case is open at two courts at the same time, and using e-filing.
- And another case, which is a consolidated case of two cases, is running at the *Civil Court*, New York county, 111 Centre street, New York.

And my observation to case management at court is as follows:

1. First, it is excellent to have e-filing, and a must have as oppose to manual paper filing. Because:
 - a. The e-filing system could save me about 60% of my time. No doubt. Here is why:
 - b. In the paper system if I prepare a paper in 2 days, then the paper production, binding, notarization, filing, serving and travelling requires another 3 days at best, sometimes even four days, which would make it to be 60% time consuming. Sometimes the filing clerk is closed, or I am arriving 2 minutes late to the clerk and they will not let me file it, so I will have to return another day. And the notarization also sometimes has scheduling difficulty. At some places notaries are only open to the public at certain times of the day, or I need to spend my time travelling to another place, which also have certain limits. And serving the paper on the other party can also be another time consuming and expensive procedure. If I, a party, can mail it with certification, then that's another trip to the post office, then I need to produce an Affidavit of Service and notarize it. If I cannot mail it with certification, then I need to hire a process server, which is \$75 cost, plus another two trips to the process server, and then one more trip back to the court filing it. It is an unbelievable time-consuming paper work procedure in today's world of technology.
 - c. When there is an electronic filing possibility, it is such a breath to escape all above steps, and to save an incredible amount time. It is just incomparable to the paper world. After the paper work is done, let's say in 2 days, I can 'produce-file-serve-travel' in that instant moment of e-filing and save 3 days.

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When e-filing as a person from the public, not as an attorney, certain questions arise, that over time through practice more-or-less clears up, but by leaving those footprints behind. Here is a list:

- a. When selecting the type of document, I wish to e-file, it would be great to have a link to the list of type of papers can be filed with a short description. Because at the end I decided to make this list for myself out of the options provided in the e-filing system.
- b. The document-type list is different for papers filed to a motion, versus filed individually, with certain consequences to both - the link called [Display Document List with Motion Folders](#) can display the motion related documents. So, how I file a paper can make a huge difference. The same type of paper, could be assigned to a motion, or as I learned it wrongly, some papers I believed to be for the whole case, therefore I did not assign it to a single motion, and was treated differently. This is something like using an analogy, coding in accounting. A person who is not a lawyer, or not an accountant, may not know how to 'code' certain legal papers, but the solution or help would be to provide some kind of feedback or question, or a pop-up window asking questions where and how do I want to assign it. And if that is not answerable to me or my answer seems to be detrimental to the case, the court clerk could send a feedback of confirmation to my assignment, whether I really meant that.
- c. In an electronic system lots of information can be transparent, it would be great to have a link to the appropriate CPLR(s) once a document is selected. And in general, the main site could have a link to the library of laws already published on the internet.
- d. Another experience is with exhibits. If I have a video record to use as an exhibit in a document. However, I cannot upload the video into the court system (only pdf), so perhaps as an alternative the court could offer an URL option. However, the problem with the URL is the host company's full access to it, unless certain host companies are admissible (only). Therefore, there should be some kind of option for video record to be admissible into court evidence. Because right now only papers, and paper formats are admissible in pdf.
- e. And perhaps, the main site could offer links to forms of papers and the standards of those papers, which can aid people of non-lawyers writing their own papers.
- f. A designated contact page would be useful to have, where people can raise questions directed to the county clerk or court clerk, instead of visiting the court to ask my question, I could raise it on a page designed for such (link on main page). An example of question is that when I filed the appeal to the Division I had to know that in terms of serving the other party is the e-filing of the Notice of Appeal is a sufficient service because I am moving to another court or do I need to provide the service in both e-filing and in paper. The Appeal Division referred the answer back to the original court's clerk, who answered that if all parties participate in an e-filing, then e-filing is sufficient service, otherwise it has to be done in paper as well.
- g. Or I have one case at the Supreme Court, King county, where the court did not file the judge's Order ever since November 1st, 2017, for two months by now. It is unbelievable. I had to visit the court several times to figure out why the order is not filed yet, to be able to move ahead, but everybody is pointing to someone or something else for reason. And it is still not solved. For such clerical issues and errors, it would be great to have a contact page too.
- h. And one more thing. As a person who has several cases at courts, it would be great to have one single user login to manage all cases under one arm. Especially because I am also an eTrack member for information on paper filed cases.

And this would conclude, I believe I did not leave out any of my concerns, my observation of the e-filing mechanism at the courts of New York. I am truly glad it is available. It is a tremendous help. It is a time and money saver to the filers. Thank you.

Sincerely,

ILDIKO NYARI
244 Fifth Ave, Suite E233
New York, NY 10001-7604
212-802-7322, leave message
[Linked in](#) and [YouTube](#)

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Phyllis Mingione

From: eFiling Comments
Sent: Tuesday, December 26, 2017 10:59 AM
To: eFilingComments-DG
Subject: FW: e-filing feedback

From: David Tolchin
Sent: Tuesday, December 26, 2017 10:58:45 AM (UTC-05:00) Eastern Time (US & Canada)
To: eFiling Comments
Subject: e-filing feedback

The efile system is GREAT and only getting better. Here are some of our suggestions to make NYSCEF system EVEN BETTER:

- 1) A way to download all the files on a given motion at once—like with Pacer in federal court.**
- 2) An option to download files where the page is reduced in size, so that the marginal headings will not be obscured if the document is refiled. (For example, take a notice of entry of an order: the order's heading is obscured by the notice of entry's heading; or even more common, take a motion: if an efiled complaint is re-filed as an exhibit to a motion, the headings will be superimposed and obscured).**
- 3) An option to print the Doc # on the lower left or right of a page. When papers are bound at the top (as usually they are with working copies prepared for the Court), the bindings at the top of the page cover the Doc numbers, etc. It is also hard to refer to doc numbers in motion papers where the numbers are covered over.**
- 4) On Confirmation Notices the Filing User info now only lists the Name of attorney, phone, email, and office address (without the firm's name or the name of the party being represented). The Confirmation Notice should list the name of the FIRM or the LITIGANT, or both. Since this information is in the data already associated with the filing user, we imagine that it can be easily populated on the Notice.**

David Tolchin, Esq. | Jaroslawicz & Jaros PLLC
225 Broadway | 24th Floor | New York, NY 10007
212-227-2780 | dtolchin@lawjaros.com

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mandfatory efilng in surrogate court

FA Frank Apicella <fjaesq@aol.com>
Wed 12/27/2017, 6:07 PM
efiling Comments

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we should have the option to efile in surrogate court; it should not be mandatory for senior attorneys

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(No subject)

WIS \$ Reply Marie Smith <msmith@npfslaw.com>
Thu 12/28/2017, 12:30 PM
eFiling Comments ▾

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The program is great. I just wish we did not have to still mail in courtesy copies. It kind of defeats the purpose of saving on paperwork.

Marie Smith

Legal Secretary to John R. Ferretti, Esq.
Nicolini, Paradise, Ferretti & Sabella
114 Old Country Road #500
Mineola, NY 11501
516-741-6355

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Suggestion

SW

Steven A. Weg <saw@grlawpllc.com>

Thu 12/28/2017, 1:33 PM

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To Whom It May Concern:

In response to the Notice Seeking Comments on Electronic Filing Program, a suggestion is to add a link within the emailed confirmation of e-filing that permits users to view all documents filed within that particular case (as opposed to only the document that was just filed).

Steven A. Weg
Goldberg Weg & Markus PLLC
122 West 27th Street, 11th Floor
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Appendix H

New York State Courts Electronic Filing System

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LG

Liz Gavin <liz.gavin@gmail.com>

Thu 12/28/2017, 4:37 PM

eFiling Comments ▾

Reply all | ▾

Inbox

Good Afternoon:

I am an attorney, and I use the NYS Courts' efilng system regularly in my practice.

My concerns deal with the self affirmation regarding confidential documents. This system does not appear to be working at all. It is with horrifying regularity that I encounter attorneys publicly filing medical and mental health records.

This is not limited to attorneys who are waiving their own clients' privacy, but it also includes attorneys representing union members in litigation related to their employment with the Office of Mental Health and the Office for People with Developmental Disabilities. I have also seen this in cases related to the NYS Justice Center.

In federal court, there are court clerks who review uploaded documents for confidential information. That system is highly effective. I have not seen any evidence of this happening in state court.

I am very concerned with the lack of review of efiled documents, and I cannot support the expansion of this program until a time when it is clear that there are safeguards in place to protect the public from the actions of inattentive and/or lazy attorneys who cannot be bothered to follow the filing guidelines.

I would also like to see a place where an NYSCEF user can flag confidential documents for review by NYSCEF clerks, so these documents can be removed or sealed if necessary.

Thank you for your time and consideration of my comments.

Sincerely,

Elizabeth Gavin

Appendix H



B. SHAMUS O'DONNILEY, ESQ., P.C.

23-15 Steinway Street
Astoria, New York 11105
Shamus@lawyer.com

☎ +1(718) 310-3051

VIA Email to efilingcomments@nycourts.gov

December 28, 2017

To: Mr. Jeffrey Carucci
Statewide Coordinator for Electronic Filing
NYS Unified Court System
New York County Courthouse
60 Centre Street, Room 119 M
New York, New York 10007

RE: COMMENTS ON ELECTRONIC FILING PROGRAM

Mr. Carucci:

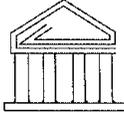
This letter is a response to your public call for comments on electronic filing (hereinafter "efiling"). I would like to make it clear to you that my belief that more efilings is better. Please eliminate all restrictions that keep cases out of efilings. We should expand Efilings to each and every court in this state at all levels. Efilings promotes more transparency and also saves huge sums of money by eliminating commutes to file documents. We need efilings in the Civil Court of the City of New York for each and every portion of that court including Housing Court and Small Claims Court. We need efilings for all aspects of the Court of Claims. We need efilings for the Appellate Division. We need efilings for the Court of Appeals.

AREAS TO EXPAND EFILING & IMPROVE EFILING

(Private Filing Option for Discovery Documents that contain SSN or DOBs)

In the current climate, I cannot tell you how often attorneys argue over when a document was or was not disclosed. The beauty of the current efilings system is that option to efile responses. I very much adore this feature because it affirmatively destroys gutter lawyering by those who would claim "I never received that" or "you missed the deadline disclosing that." One clear area of improvement would be the creation of the ability to privately efile documents that contain Social Security Numbers, Dates of Birth, and other private medical information.

Appendix H



B. SHAMUS O'DONNILEY, ESQ., P.C.

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Such a system would include a privacy selection that makes it only visible to the opposing attorney and the judge. Those that would argue against the inclusion of such a feature because of storage space required, should remember the amount of motion practice eliminated by having each and every document efiled on NYSCEF. I would bet that you would see a fifty percent drop in the number of motions filed.

(Electronic Dropbox for Subpoena Responses)

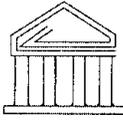
In lieu of making Subpoenas returnable to the Court House for hardcopy submission of documents, we should have an e-filing tab on NYSCEF for subpoena responses for each county. This tab should include the ability to efile X-Rays in JPEG or other file formats by hospitals, and it should also include some kind of standard business records certification form that the subpoena responder could complete (similar to how RJIs were eliminated with a form in NYSCEF).

(Trial Notebooks)

We should have a trial notebook submission area on NYSCEF that is not public, but is viewable to only the judge and opposing counsel. This would further eliminate the wasteful creation of "trial notebooks" that litter chambers and courtrooms before and after trials. Most of the time, the judges probably just throw those away. So you will eliminate the wasteful creation of the notebooks and the costs of trash removal.

NO MORE HARD COPY SUBMISSIONS – WHY?

Someone needs to affirmatively pass a law or make a rule that forbids submission of hard copies of electronic filings in cases. These submissions are what they call "courtesy copies" or "working copies." We currently have a situation where certain courts and certain judges are stifling e-filing by requiring the continued filing of hard copies. This is a ridiculous and absurd state of affairs. Why do we have e-filing if we continue submitting hard copies? These people



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must be forced to understand that the future is now. Stop the waste. The existence of submission parts in general are a disgraceful waste. Why are we generating extra traffic by communiting to waste an entire morning or an entire afternoon? If you want a submission part why not make it remote submission?

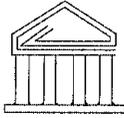
CLERK DANGERS TO THE EFILING SYSTEM

I am a familiar efiler in NYSCEF, the eastern and southern district federal district courts and the eastern and southern district bankruptcy courts. I think that it is helpful to use those courts to compare and contrast NYSCEF. The biggest danger I see that currently is happening (without identifying any specific court) is the insertion of clerks as adjudicators into the efling process. Less clerks who interfere with the efling of documents is better. One example that I notice is for some counties the document shows "pending" status after it is filed for at least a day or two. While in other counties, the document is processed immediately unless it is a motion.

Thus far, I have only expereinced having a document bounced on NYSCEF a couple of times. The feature that allows the attorney to re-file the document in a manner that relates back to the original filing date is a very good feature that is vastly superior to the Federal ECF system. So I do not have a huge gripe with the current system so long as it relates back with the corrected filing, but I do see a danger there. However, this is a very great danger to the administration of justice because by inserting the clerks into the process as a gatekeeper to the courthouse, the clerks are essentially acting as if they are the adjudicator or judge by bouncing documents or rejecting documents from the system.

With that said, the clerks should stay out of the sufficiency of documents filed because that often times crosses over into impacting and adjudicating substantive rights. That is more properly the providence of attorneys and judges to resolve the sufficiency of a document in motion practice. There is also a clear provision for an opposing counsel to reject a defective

Appendix H



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document in CPLR 2101(f). That affords protection to the rights of parties. With respect, clerks are neither qualified nor trained for determining substantive rights. It is pure sloppiness and laziness to thrust such a duty upon the clerks. There are very many cases that address the sufficiency of documents and whether a deficiency contains a minor irregularity or requires a curable ministerial act. Without the escape valve of allowing an attorney to efile a corrected document that relates back to the original filing, I believe you will see an huge increase in article 78 mandamus litigation. The game of handing back documents at the window while refusing to stamp a document should forever end with Efiling. To allow the clerks to reject a document outside of the peramiters of CPLR 2102(c) is likely unlawful. To improve the system, you may consider creating barriers for the clerks to interfere without citing a basis enumerated in the CPLR 2202(c). For example, you could have a drop down menu for the clerks to select the basis for the rejection and to further generate a written notice so that it may be readily reviewed for the basis of rejection. In my humble opinion, a clerk rejecting a document through the current system may not comply with law. (See CPLR R. 2102(c); 22 NYCRR 202.5(d)(1) and also see case law *Gehring v Goodman* 2009 NY Slip Op 29351 [25 Misc 3d 802])

CONCLUSION

The efling system is a testmant to a state's level of advancement and development. It definitely is an indicator to businesses that have commercial disputes so it impacts the economy. There are some states that are in a disgraceful state of affairs (look at Massachussets that lacks any efling while they have MIT located right there – and they lack are lacking in development baseball too). The level of efling is really an indicator of a state's level of development, level of transparency and ultimately its level of democracy.

Sincerely,
/S/B. Shamus O'Donniley, Esq.

Appendix H

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Re: Comments on Efiling and NYSCEF

CP

Carl E. Person <carlpers2@gmail.com>

Sat 12/30/2017, 6:09 PM

eFiling Comments ⌵

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Inbox

I have one further comment:

7. Could the Court post a notice to the effect that any exhibits that have been separately efiled in the civil action (and thus has a Doc. No. for that document alone) may be referenced in motion papers by a description of the document, the date of its efileing as a separate document, and its efiled Doc. No. This would save huge amounts of time and money. Parties who have not accepted efileing would be entitled to receive copies of the documents in addition to the reference to the Doc. No. etc.

Carl E. Person

On Sat, Dec 30, 2017 at 8:50 AM, Carl E. Person <carlpers2@gmail.com> wrote:

1. Is it possible to reject only the PDF documents that do not pass the OCR test and not reject the pdf files that pass the test. A substantial amount of effort goes into filing exhibits and it would be helpful if the software identified the errant documents by rejecting only them or, if this is not possible, identifying which documents failed the test.
2. Could the court take a position on whether an affirmation of service is necessary if all parties have agreed to accept efileing? A substantial amount of time is put in by individual practitioners in preparing affirmations of service and the time and expense could be avoided if the Court stated something like: "Affirmations of service are not required for an efiled document when all appearing parties have agreed to participate in efileing."
3. Also, could the court give a notice that a Notice of Entry in an efiled case is not effective if the Notice of Entry is not efiled within xx days of its service. A lot of time and money on an appeal could be wasted if an unfiled Notice of Entry is used to support a motion to dismiss an appeal as untimely (as to the filing of the Notice of Appeal).
4. **Also, I would be interested in attending a 1 or 2 hour meeting with other users and efileing personnel to discuss various issues about efileing.**
5. Is it possible for any of the counties in NYS to emulate the federal EDNY which will not accept any paper (well, there are some exceptions). Everything has to be efiled, even letters to the judge.
6. Please don't think of me as a complainer. I think the efileing system is great and it is constantly being improved.

Appendix H

225 E. 36th St. - Suite 3A
New York NY 10016-3664
Office: **212-307-4444**
Cell: **917-453-9376**
Fax: **212-307-0247**

--

Carl E. Person
225 E. 36th St. - Suite 3A
New York NY 10016-3664
Office: **212-307-4444**
Cell: **917-453-9376**
Fax: **212-307-0247**

Appendix H

eFiling comments/questions ...

Reply all | Delete | Junk

JL

Jackie Luciano <jluciano@matlaw.com>

Tue 1/2, 10:13 AM

eFiling Comments

Reply all |

Inbox

I am responding to a letter asking for comments regarding the expansion of the eFiling system. I represent Matlaw Systems. We provide software that does document assembly, financials and research library for NYS Domestic Relations Practitioners and have been providing this software for over 20 years.

Our templates do convert to PDF format. I would like to know whether your plans will incorporate vendors like us or is the goal to eliminate us? If we need to make changes to our system to be able to work seamlessly with yours, could we get some notice on your plans so that we can make our software comply? JI

Jacqueline Luciano, VP
Matlaw Systems
138 LeBarron Road
Hoosick Falls, NY 12090
(518) 686-1905

RE: e-filing feedback

DT David Tolchin <dtolchin@lawjaros.com>
Tue 1/2, 10:35 AM
eFiling Comments ▾

🔗 Reply all | ▾

Inbox

Hi! One more suggestion:

5) A way to oppose 2 motions with the filing of a single set of opposition papers. This will avoid such misunderstandings as reflected in John Quealy Irrevocable v. AXA Equit. Life, 151 A.D.3d 592 (1st Dept 2017), where the First Dept held:

🔗 Reply The motion court improvidently exercised its discretion in sua sponte granting, on default, defendant's motion to strike the complaint. Plaintiff's papers filed in motion sequence No. 1 were also "in opposition to defendant's . . . motion seeking the striking of the note of issue" (mot sequence No. 2), and did address defendant's argument concerning its failure to respond to discovery requests by arguing that no discovery was required under the circumstances.

David Tolchin, Esq. | Jaroslawicz & Jaros PLLC
225 Broadway | 24th Floor | New York, NY 10007
212-227-2780 | dtolchin@lawjaros.com

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From: David Tolchin [mailto:dtolchin@lawjaros.com]
Sent: Tuesday, December 26, 2017 10:59 AM
To: 'efilingcomments@nycourts.gov'
Subject: e-filing feedback

The efile system is GREAT and only getting better. Here are some of our suggestions to make NYSCEF system EVEN BETTER:

- 1) A way to download all the files on a given motion at once—like with Pacer in federal court.**
- 2) An option to download files where the page is reduced in size, so that the marginal headings will not be obscured if the document is refiled. (For example, take a notice of entry of an order: the order's heading is obscured by the notice**

Appendix H

obscured).

- 3) **An option to print the Doc # on the lower left or right of a page. When papers are bound at the top (as usually they are with working copies prepared for the Court), the bindings at the top of the page cover the Doc numbers, etc. It is also hard to refer to doc numbers in motion papers where the numbers are covered over.**
- 4) **On Confirmation Notices the Filing User info now only lists the Name of attorney, phone, email, and office address (without the firm's name or the name of the party being represented). The Confirmation Notice should list the name of the FIRM or the LITIGANT, or both. Since this information is in the data already associated with the filing user, we imagine that it can be easily populated on the Notice.**

David Tolchin, Esq. | Jaroslawicz & Jaros PLLC
225 Broadway | 24th Floor | New York, NY 10007
212-227-2780 dtolchin@lawjaros.com

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Comment for E-filing Program...

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JP

Julia Purdy <JPurdy@knoergroup.com>

Tue 1/2, 11:09 AM

eFiling Comments

Reply all |

Inbox

To Whom It May Concern:

I am writing in response to the Notice Seeking Comments on Electronic Filing Program (available [here](#)). My sole comment is to encourage rural counties to use e-filing. Thank you.

Sincerely,

Julia

Julia H. Purdy, Esq.
Associate Attorney
The Knoer Group, PLLC
424 Main Street, Suite 1820
Buffalo, New York 14202
Phone (716) 332-0032
E-mail: jpurdy@knoergroup.com

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New York State Courts Electronic Filing Program

DF

Dina Farinaro <dina@ajlounyinjurylaw.com>

Tue 1/2, 11:18 AM

eFiling Comments ▾

↻ Reply all | ▾

Inbox

Dear Mr. Carucci:

This system is great if the Court System would use it, unfortunately they do not so this system has created an undue burden on law firms because no judge uses nor recognizes the system. We still have to supply support offices and chambers all documents filed by law firms so what's the point. The State created a system that is does not use but expects all none court personnel to use it. The biggest pet peeve I have is having to file an RJJ twice every time I file same. The system is time consuming and moot. I especially love it when chambers says they cant find my papers when they were filed and mailed to him months ago. All anyone in the Court has to do is look on NYSCEF and see all documents are there, but instead they delay the case even further because they cant find the hard copies I sent to them months ago.

Thank you for your time and attention to this matter.

Dina E. Farinaro

Paralegal

Paul Ajlouny & Associates, P.C.
320 Old Country Road, Suite 205
Garden City, New York 11530
Phone (516) 535-5555
Fax (516) 535-5556
dina@ajlounyinjurylaw.com



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efiling

LM

Linda Markowitz <linda@rosemarklaw.com>

📧 Reply all | ▾

Tue 1/2, 1:07 PM

eFiling Comments ▾

Inbox

I am an older lawyer and I love efilng. However, the judges have to get on board and not require us to spend time both efilng and making and deliviering to the courthouse "working copies". This can only come from the administration. It should also be made clear that efilng is "service" (or not if that is the case) as our office is not clear on that and we are still sending out and serving hard copies when required to do so.

Linda Markowitz, Esq.
Partner, Rosenthal & Markowitz, LLP
399 Knollwood Road Suite 107
White Plains, New York 10603
914 347-1292 Telephone
914 347-1293 Facsimile
Linda@RoseMarkLaw.com

Appendix H

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E-Filing

MO

Michael O'Neill <lawyer@oneillaw.com>

Tue 1/2, 1:20 PM

eFiling Comments ▾

🔄 Reply all | ▾

Inbox

E-filing has been a real blessing. It makes lawyers more efficient. I have an active Federal Court practice, and the State ECF is so much easier to use and more user friendly. Good work!

Two suggestions: (1) make it mandatory in all cases and (2) prohibit judges from requiring courtesy copies (which is a monumental waste of paper and defeats the purpose of e-filing.) I can understand a Judge wanting a working copy of a memorandum of law, and maybe the odd affirmation, but all of the exhibits on an SJ motion? Why copy a 400 page deposition when at most a few pages are referenced in the motion? Is it really that hard to pull up the pdf? I'm assuming that the court personnel have a more streamlined user interface to the system.

Anyway, overall it is great. Your people have done a splendid job.

Regards,

Michael O'Neill

Law Office of Michael G. O'Neill

Civil Rights, Labor and Employment and Personal Injury

30 Vesey Street, Third Floor

New York, New York 10007

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lawyer@oneillaw.com

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e-filing program

JT

Jason Tenenbaum <jason@JTNYLAW.com>

Tue 1/2, 1:44 PM

eFiling Comments ▾

🔗 Reply all | ▾

Inbox

Dear Sir or Madam:

🔗 Reply all | ▾ 🗑 Delete Junk | ▾ ...

Please allow this to be serve as my comment on the e-filing program. I am admitted to practice in New Jersey and Florida. The State of New Jersey has mandated e-filing of all Civil causes in all their Courts (Both Superior and Special Civil). Most of the larger Counties in Florida mandate e-filing in all of their Courts (Circuit Court and County Court). New York appears to be an outlier in that most Supreme Courts are not mandatory e-filing justifications, and a majority of the upstate counties still do not even allow consensual e-filing.

My hope is that within the next year or two, New York (at least in the downstate and more populated upstate counties) will become a mandatory e-filing State in all of the Courts of record.

For instance, my firm files a lot of cases in the Civil Courts. Unfortunately about 5% of our motions are "lost" in Kings County Civil Court. We cannot paper file cases until the month a motion is returnable (if we are a cross-movant), and the Court will not accept opposition and Reply papers ahead of the motion return date. This is due to staffing and other considerations.

In another instance, I attempted to locate an order in Civil Court, New York County. The clerk had this backwards handwritten paper with various entries that needed to be cross-indexed before the paper order could be located. I waited 3 hours for two clerks to obtain the order. In my opinion, the state of the quality of the filings in the Uniform Court system is largely outdated and pales in comparison to that of other States. In 2018, e-filing should be mandatory system wide.

Thank you for considering my comment.

Jason Tenenbaum, Esq.
The Law Office of Jason Tenenbaum, P.C.
595 Stewart Avenue
Suite 400
Garden City, NY 11530
☎: [\(516\)750-0595](tel:(516)750-0595)
☎: [\(516\)414-2869](tel:(516)414-2869)
✉: Jason@jtnylaw.com
My Blog: [No Fault blog](#)
Website: [The Law Office of Jason Tenenbaum, P.C.](#)

Appendix H

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From Natasha Kennedia

TT

Tara J. Thomas <kennedyisrael008@gmail.com>

🔄 Reply all | ▾

Fri 1/5, 10:48 AM

eFiling Comments ▾

Inbox

Please could you update the system to include e-filing capabilities for both Criminal Courts and also Family Courts in Manhattan, NYS.

Sent from [Mail](#) for Windows 10

Appendix H

Comments Addressing User Experience with NYSCEF

DA

David Arpino <davida@arpinolaw.com>

Fri 1/5, 2:14 PM

eFiling Comments ▾

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Inbox

To Jeffrey Carucci, Statewide Coordinator for E-Filing:

Greetings, my name is David Arpino, I am the principal paralegal/law clerk to Arnold A. Arpino, Esq. and I am currently a second year law student at St. John's University School of Law. I am a daily user of the New York State Unified Court System and I wish to provide commentary and my own personal experience, and that of our small law practice.

First I will discuss positive experiences. Speaking as a small law firm user, it has truly made our operations run more efficiently. We are small enough that we do not outsource our e-filing to third party vendors like other large law firms do. All our e-filing is done by Arnold Arpino, personally or a staff member. In counties that have adopted e-filing, our firm's productivity has increased and our carbon footprint has been reduced since we have within the past eighteen months begun the transformation into a paperless office environment.

Next I will discuss our negative experiences. We are a high volume litigation firm that files lawsuits in multiple counties (over 2,000 per year). There are variations between how certain county clerk's offices want documents to be filed, which causes expense, delays, and numerous repeated filings. Specifically, Westchester county requires that a proposed judgment, including the judgment roll, be filed as a Single PDF document under the appropriate judgment heading. Dutchess County, however, requires that the judgment be filed separate and apart from each document in the judgment roll. Our office has no opinion on which procedure is more efficient, but the fact that there is not a uniform procedure across all County Clerk's Office is a drain on resources. A single standard operating procedure would increase efficiency.

Our biggest concern is that after 7 or 8 years since the e-filing program has started, some counties have still not adopted e-filing. Specifically, one of our biggest clients recently purchased a facility in Ulster County and thus our client's litigation in Ulster County has increased exponentially. Ulster County does not participate in NYSCEF, and it causes severe operational inefficiencies for our firm. Specific examples include developing and implementing different operating

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Further, there was a specific instance whereby our office utilized the Schenectady County Sheriff's Civil Division to serve a Schenectady domiciled defendant in a pending Ulster County litigation. The Schenectady County Sheriff's Civil Division informed our office that their affidavits of service are now created and stored electronically, and they do not keep original records in paper form. When our office subsequently filed the Deputy Sheriff's certificate of service with the Ulster County Clerk, same was rejected as the certificate did not include an original signature. The Deputy who served the summons and complaint was thereafter deployed overseas for military service, and we could not elicit his original signature. This caused our client the added expense of serving the commencement documents twice. The Schenectady Sheriff Civil Division likely believed they could make change to electronic certificates of service because Schenectady County has adopted e-filing.

Thank you for reading my proposed comment.

--

Best regards,
David Arpino, Paralegal
J.D. Candidate 2019
St. John's University Law School

Arnold A. Arpino & Associates, P.C.
155 East Main Street Suite 190
Smithtown, New York 11787
631-724-5251 Ext. 105
www.arpinolaw.com

Appendix H

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comment

RS

Richard Solomon <richardasolomonesqlp@yahoo.com>

📧 Reply all | ▾

Fri 1/5, 7:53 PM

eFiling Comments ▾

Inbox

Greetings - Could you please add an entry for "Notice of Default." Thank you. Richard Solomon

Mandatory e-filing

MC Mitchell Cohen <MitchellC@johnsoncohenlaw.com> Sat 1/6, 11:01 AM eFiling Comments

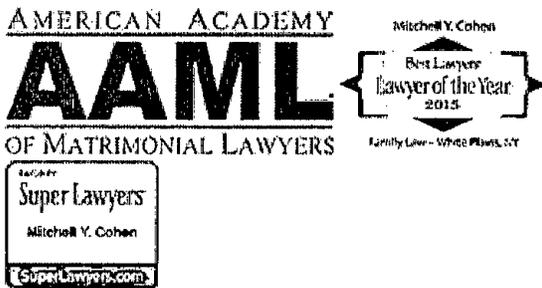
Inbox

Currently, e-filing in Matrimonial cases is not mandatory but is available on a voluntary basis in many counties. My practice is devoted exclusively to matrimonial law and I have been e-filing in cases in Westchester and Rockland Counties since it has been available. I have found it to be easy and convenient. I have only two concerns/comments:

- 1) When an attorney is discharged from a case and new counsel takes over, the outgoing attorney is not removed from the list of authorized users and continues to get notification and copies of all papers that are e-filed.
2) One of the purposes of e-filing is to reduce paperwork but many Judges require that working copies be delivered to chambers.

Mitchell Y. Cohen, Esq. Johnson & Cohen, LLP Delete Junk | ... mitchellc@johnsoncohenlaw.com phone (914) 644 - 7100 fax (914) 922 9500 www.johnsoncohenlaw.com

Fellow, American Academy of Matrimonial Lawyers
Fellow, International Academy of Matrimonial Lawyers



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E-filing and potential fraud in the Courts

JN

John Nappi <paradoxical1988@gmail.com>

Sat 1/6, 2:28 PM

eFiling Comments ▾

🔄 Reply all | ▾

Inbox

To whom it may concern:

I am writing out of concern for the continued use of the e-filing system in the Courts. The use of this system is leaving all users open to fraud. The Court is using hard paper copies of e-filed documents including motions. This can potentially allow any party on a case to submit one set of documents and exhibits for a motion for the Court to see and a different set of documents that is served on the parties in the e-file system. The Judge could decide a case seeing information that the other side did not even know was submitted. This is especially true on cases where there are a lot of pro se litigants who do not sign up for e-filing. They don't have the means or mechanisms to e-file, particularly on residential foreclosure cases, where the defendants are already going through hard times financially and cannot pay for scanners and other equipment to e-file from home. Unfortunately, the Courts do not have the personnel to check every word in every page of documentation on all cases to see if they are exact copies of what was filed in the e-file system. We are relying on attorneys to submit the exact same copies to all sides. Having seen many errors and mistakes by attorneys' offices, even unintentionally, I cannot believe this system will self-police and hope for the best, especially in high volume areas of the law like foreclosures. I think that the e-filing system should not be used on types of cases where there are high levels of pro se litigants who will not be consenting to e-filing. This is a major disservice to justice in New York State. Foreclosure cases should not be e-filed and all current cases being e-filed at this time should be immediately taken off e-filing and required to go back to paper filing to all parties. The Court does not have the personnel to be scanning in all the documentation filed by pro se litigants on these cases either. The Court record should be kept as clean and complete as possible. This does not happen by using multiple computer systems and e-filing on such cases. It opens the door to fraud on the Court and the parties and an incorrect case record. This does not fall in line with the Chief Judge's excellence initiative in any way, shape, or form. This is not access to justice at all and is not beneficial as a Justice system to any of the tax paying citizens of the State of New York. It is the opposite - shameful. Budget and staffing cuts will not allow this system to get anything but worse. Please correct this problem now and close cases like residential foreclosures to e-filing immediately. Thank you for your time.

Sincerely,

A concerned Court employee

E-filing in Supreme Court and in Family Court

AA

Alton L. Abramowitz <aabramowitz@mak-law.com>

📧 Reply all | ▾

Sat 1/6, 5:17 PM

eFiling Comments ▾

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Dear OCA – I am writing in my individual capacity and not as the representative of any group, etc., regardless of the fact that I may have in the past or may at present serve in a leadership capacity in a number of bar associations, OCA committees, etc. Suffice it to say that I write in support of mandatory e-filing in all litigated actions and proceedings. I and my office find it exceedingly efficient, less open to error, and uncannily user friendly. Although my firm's office is located in Manhattan, we have experience with e-filing in other counties, which means that our charges to our clients for e-filing documents are far less expensive than the hourly rate charges for having to send an attorney, paralegal or clerk to file papers in person. Simply put, it is time for NY to join the vast majority of States that now employ e-filing for litigated matters. Respectfully submitted, Alton L. Abramowitz

Alton L. Abramowitz



Fellow & Past President, American Academy of Matrimonial Lawyers

Diplomate, American College of Family Trial Lawyers

Fellow, International Academy of Matrimonial Lawyers

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(No subject)

FA

Frank Apicella <fjaesq@aol.com>

Sat 1/6, 6:42 PM

eFiling Comments ▾

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Inbox

I am a senior attorney and not happy with the mandatory e-filing in Westchester Surrogate court. This is necessarily burdensome for elder solo practitioners with limited support staff and limited technological proficiency. We should be allowed to file in person without feeling we are creating some sort of burden on the court.

Appendix H

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Comment re: eFiling

DH

Dan Heyman <dheyman@danheyman.com>

Mon 1/8, 8:47 AM

eFiling Comments ▾

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Inbox

Hello:

One of the most burdensome tasks in eFiling is attaching a multitude of exhibits to a motion. The other day a possible shortcut occurred to me:

In attaching the first exhibit to an affidavit, you first have to choose "Exhibit" from the document drop down menu (4 clicks down the list, then another click to choose "Exhibit"). Then, a window opens reminding you to fill in the exhibit number or letter, which you comply with, then you close the reminder window, attach the pdf document, etc. That is for the very first exhibit.

You then go to your next (the second) exhibit, by again going to the document drop down menu, clicking 4 times to "Exhibit", click on "Exhibit", filling in the exhibit number or letter, and going through the entire process again for each exhibit (except we are spared closing the reminder window). After a while, the repeated clicking, 4x each time just to get to "Exhibit" on the document drop down list and then choosing it, drives you mad!

What if, after the first exhibit, you merely had to fill in a number or letter in the "exhibit number or letter box" and the act of filling in the number or letter in that box automatically chose "Exhibit" for you in the document drop down window without having to run through the list? Clicking through the list seems kind of pointless once you have designated a number or letter for the exhibit and it is so aggravating.

Thank you for your consideration.

DANIEL G. HEYMAN

Attorney at Law

747 Third Avenue - 23rd Floor

New York, New York 10017

(212) 922-1495

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Appendix H

E-filing

CR Chudy, Richard <rchudy@amherst.ny.us>
Mon 1/8, 11:09 AM
eFiling Comments ▾

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Inbox

To whom it may concern,

The e-filing system has been a huge assistance in tracking the Lis Pendens and foreclosure proceedings. I handle the vacant and foreclosure matters for the Town of Amherst.

I'm unsure if there's a means to ask for other information to be included in the e-filing that could help all parties involved in a foreclosure situation.

When a foreclosure/ Lis pendens situation is filed it would be extremely helpful if it was mandated that the mortgage servicer and their contact information (phone number and official address).

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This would allow all municipalities a standard place to look for this specific necessary information when it has not been reported to DFS yet. I picture it being included on a specific sheet or in a required location that would be a standard.

Thank you for your consideration.

Sincerely,

Richard Chudy
Town of Amherst
716-631-7094

Appendix H

MARCUS ROSENBERG & DIAMOND LLP

488 MADISON AVENUE
NEW YORK, NEW YORK 10022

Telephone: (212) 755-7500

Telefax: (212) 755-8713

January 8, 2018

Jeffrey Carucci
Statewide Coordinator for Electronic Filing
NYS Unified Court System
New York County Courthouse
60 Centre Street, Room 119 M
New York, New York 10007
or
efilingcomments@nycourts.gov

Re: Comments On Electronic Filing

Dear Mr. Carucci:

This is to respond to the Notice Seeking Comments for Electronic Filing, as published in the New York Law Journal.

The Unified Court System website Frequently Asked Questions page states:

“2. What are the benefits of electronic filing?”

Electronic filing offers many benefits to attorneys, clients and unrepresented litigants in Supreme Court and the Court of Claims. Once jurisdiction is obtained, attorneys can file and serve papers at any time from any place via the NYSCEF system. A case can be initiated or post-commencement documents filed at any time on any day, even when the courts are closed. Service through NYSCEF could hardly be easier. Multiple attorneys working on a case can view the file simultaneously, and do so from different locations. Storage of papers is simplified and expenses reduced. . . The system provides immediate e-mail notice of all filings, including filing of all orders,

Appendix H

Jeffrey Carucci
January 8, 2018
Page 2

judgments, and decisions, which will be available on-line. The docket is clear and easy to work with. The system is easy to learn and simple to use. Where necessary, documents containing confidential information can be sealed if the assigned Justice so directs."

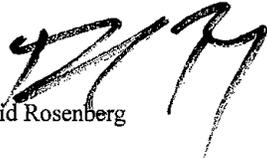
The claimed benefits of e-filing are eliminated when courts or individual jurists require that hard-copies of e-filed documents be provided.

Instead, e-filing becomes merely an additional burden for litigators.

Similarly, the stated purpose of the "Uniform Rules" – to provide, predictability and certainty – is defeated by permitting individual jurists to establish and impose their own rules and requirements for e-filing and other matters.

Absent extraordinary circumstances or clearly defining limited categories, the Uniform Rules should bar individual courts or jurists from imposing hard-copy filing requirements.

Respectfully submitted,


David Rosenberg

DR/cac

Appendix H

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removal of cases once they are settled and a stip has been filed

DS

Donna Stady <donna@blhfirm.com>

Tue 1/9, 9:52 AM

eFiling Comments ▾

📧 Reply all | ▾

Inbox

In reviewing the "my cases" tab of the cases that are efiled, it would be nice to have either a separate tab for closed cases where a stipulation to discontinue has been filed on a case and it is no longer active...or the ability to remove the cases to a different area/tab/screen once they are disposed of/settled/closed. Rather than always seeing them in the current cases tab.

Thanks for your consideration. Have a very pleasant day.

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E-Filing

AF

Andrew Fisher <afisher@riehlmanshafer.com>

Tue 1/9, 4:10 PM

eFiling Comments ▾

🔄 Reply all | ▾

Inbox

Good Afternoon,

I would like to point out a serious flaw with e-filing that I have recently encountered on multiple occasions. It appears that the Courts do not have any real access to the e-file system, or if they do, they are not utilizing it. By this I mean that there seems to be no check or verification that papers being sent to the Court as working copies are in fact the same papers that are actually uploaded to the system. I've had one Court Clerk advise me that they are not even aware anything (or at least aware of what) has been uploaded until they receive working copies.

In one example, a Motion and Order to extend time to serve was uploaded to the system for "Case A", but the papers that were sent as working copies were from a previously filed "Case B" for the same defendant. The physical copies sent were for a request for Attorney Fees and Default Judgment on "Case B", which had already been granted by another Judge and filed. While it was our mistake for sending the incorrect physical copies, the document was not verified and the Judge Signed the duplicate Order For "Case B" and it was uploaded to the E-File system as a new Order for "Case B". It was not until after I had called the Clerk that it was realized the incorrect physical working copies had been sent. While I was able to get in touch with the Clerk to address the mix-up, it was clear that neither the Index Number, or the papers themselves were verified against what was actually uploaded.

As a second example: Motion paperwork for "Case C" (Defendant Charlie) was incorrectly uploaded to "Case D" (Defendant Dan) due to having the incorrect index number on the papers being uploaded. The caption on the paperwork being uploaded was otherwise correct. So though Documents For "Case C" with "Charlie's" name were uploaded to "Case D" which was for "Dan", this apparently was overlooked as an RJI number, and Judge were both assigned to "Case D". It was only noticed by our office after the Court was calling requesting working copies for "Case C" with "Charlie's" name. This wasn't the case the Documents were uploaded to, but was the name on the documents.

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a complete disconnect between what is uploaded to the system and what the Courts are working with. Please note that these were with different Judges in different counties.

I would also like to make a couple of suggestions unrelated to above:

It would be nice if there was the ability for managing attorneys to sign/upload a form (or maintain a list) that would allow specific filing agents the ability to upload/view all files for that attorney without the need for the filing agent to upload a Statement of Authorization for each and every file they touched. This would then allow that same attorney to revoke the filing agent's access and ability to upload for all (or single) files at once should the filing agent no longer be associated with that attorney. This would also allow for one centralized 'location' where an attorney could view and confirm all filing agents who had access to their e-accounts.

I would also like to see the ability as a filing agent to be able to utilize the 'My Cases' search button the same as attorneys are able to do. So every case a filing agent uploaded something to would show up when that button was pressed. (less any that may have been revoked per the above suggestion)

There was recently a new update which has caused a delay between the time of uploading a document to when the document is actually viewable. It was explained to me that this is due to the system doing a scan to confirm no SS# are being posted. While I understand this may require a delay, it makes it no less frustrating when receiving a confirmation e-mail with a link to view the document that essentially is broken due to not being able to view the document yet. If the delay is required, would it be possible to delay the delivery of the confirmation e-mail until the document was viewable?

Thank you for your time,
Andrew

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User experience with NYSCEF

JE

Janet D'Angelo, Esq. <Janet.Dangelo@PuleoDelisle.com>

Wed 1/10, 10:49 AM

eFiling Comments ▾

🔄 Reply all | ▾

Inbox

Good Morning,

Thank you for allowing the public the opportunity to comment on the eFiling system.

While the eFiling system itself is straightforward and user friendly, there are a few items that I feel require attention:

- 1) The need to provide working copies obviates the convenience of eFiling. That the working copies need to be collated, tabbed, bound, backed and submitted with a cover sheet (often within a day of eFiling) is as burdensome as filing a hard copy as far as I can see.
- 2) In my practice, I efile Notices of Petition accompanying Petitions (as the commencement documents), but in Queens and Nassau Counties, this is not permitted. Those counties require that an index number be assigned to and printed on an RJI and Petition before a Notice of Petition can be efiled. Therefore, an additional \$45.00 must be paid at the time the Notice of Petition is filed, as it is not 'accompanying the commencement document'.
- 3) Since efiled cases are public record, it would be a true benefit for research purposes if the cases were searchable by the case category for example, with further filters by County, Parties, etc.

The personnel at the eFiling help desk (646 386 3033) are terrific by the way!

Thank you

Janet D'Angelo, Esq.
Puleo Delisle, PLLC
444 Route 111
Smithtown, New York 11787
phone: 631.648.1350
fax: 631.648.1450
janet.dangelo@puleodelisle.com

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NYSCEF Comment

Reply all | Delete | Junk | ...

ER

Eric R <erichman@gmail.com>

Wed 1/10, 11:26 AM

eFiling Comments

Reply all |

Inbox

Dear Sir / Madam:

There should be no reason why the City of NY is granted permission to opt out of NYSCEF filing.

I believe that the Manhattan office consents but that the Kings office opts out. This inconsistency causes confusion.

Thank you for your attention to this matter.

Sincerely,

Eric Richman, esq.

T: 212.688.3965

(NYSCEF User and attorney)

Appendix H

Efiling comments

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MK

Matthew Kauget <MKauget@garykauget.com>

📧 Reply all | ▾

Wed 1/10, 12:23 PM

eFiling Comments ▾

Inbox

I am a personal injury lawyer, primarily in supreme kings but I do handle cases all over NYC and Long Island. My main issue is with the "courtesy copy" rules for different courts and different judges within each court. There are dozen or so different rules we have to keep track of. Different judges each have their own specific rules and this creates tremendous confusion. Queens CMP has different procedures than Kings CCP, etc...

I understand this may not be under your control, but giving guidance to the courts on this issue so there is some conformity would be very helpful. (really there should be no such thing as courtesy copies)

As for the actual efile system- when you click "my cases" you can see cases sorted by "caption" but it then lists them by FIRST name, which nobody goes by. It would be easier if there was a way to list all cases by last name.

Thanks

Matthew Kauget

Law Offices of Gary P. Kauget

9201 4th Ave, 7th Floor

Brooklyn, NY 11209

(718) 833-2496

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Comments re E-Filing

CD

Chris DelliCarpini <chris@dellicarpinilaw.com>

Thu 1/11, 11:22 AM

eFiling Comments ▾

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Thanks for accepting comments on the e-filing program. It's been a tremendous benefit to be able to file and access court documents online. Based on my experiences, I have a few comments to share:

—The rules for redacting CPI are a significant burden. We're required to juggle two sets of documents, one redacted for e-filing and another unredacted for courtesy copies. This also makes appellate practice more difficult, as we have to serve the redacted copies in the appendix and serve the unredacted copies to the court for in camera inspection. Couldn't we have a system where exhibits with CPI are simply checked off as such, and access is restricted to the registered participants in each case?

—Many counsel appear to still not realize that e-filing is e-service, which is clear in Uniform Rule 202.5-b(f)(2)(ii). What's not clear, however, is whether counsel who e-file must also e-file proof of service. The rule states: "Proof of such service will be recorded on the NYSCEF site." Written in the passive voice, this sentence leaves unclear who records proof of service: the filing attorney, or the web site itself. The latter seems the best solution, as NYSCEF knows precisely when a document is filed, and could easily generate a record to that effect. The better solution, though, would be to simply rule that e-filed documents never require a separate proof of service, as anyone who logs into NYSCEF can see what was filed when.

—Why can't we file retainer statements and closing statements online? The biggest anachronism in my practice, as a personal injury attorney, is that when I sign a client or close a case I have to submit a hard-copy statement—with a post card to get my OCA retainer or closing number! We should be able to do all this online, either by a web form or uploading a PDF statement; and then get our OCA numbers electronically as well, by e-mail or on the site.

I'm happy to answer any questions or discuss any of these matters further. Thanks again for the opportunity.

Christopher J. DelliCarpini
The DelliCarpini Law Firm
170 Old Country Road, Suite 303
Mineola, NY 11501
516.307.8818
516.307.8819 fax
Chris@DelliCarpiniLaw.com

Appendix H

efile for Pro Se litigants

Reply all | Delete | Junk | ...

JA

James P Arlotta <arlojp24@mail.buffalostate.edu>

Reply all |

Thu 1/18, 9:30 AM

eFiling Comments

Inbox

Hello,

Honestly, from my experience so far in State Supreme Court as an un-represented litigant. I understand how efile can be convenient, but at the same time it isn't.

Here's why... if I was an unrepresented litigant and filed a claim or complaint in federal district court. I would have to file a hard copy of everything and NOT BE ALLOWED to use efilng.

My suggestion for un-represented litigants'...since we already have to file hard copies and serve them ourselves'...WE SHOULDN'T BE ABLE TO USE EFILING EITHER.

The Post Office makes revenue off my postage, the "state," makes revenue from me using the law library, its photocopiers' and printing from its computers' also.

I DON'T WORK FOR THE "GOVERNMENT," BUT IF I DID...I WOULD REQUIRE THE ONLY USE OF EFILE TO VIEW THE STATUS OF THE CASES....WHICH IS BETTER THAN FEDERAL DISTRICT COURT, BECAUSE TO USE PACER.GOV, JUST TO LOOK AT THE CASE INFORMATION OR PRINT AND DOWNLOAD DOCUMENTS' I HAVE TO PAY SO MUCH PER PAGE...MAKE SENSE?

JUST LIKE THE STATE, AND POST OFFICE, MAKES MONEY FROM ME HAVING TO PRINT THE FORM TO OPT OUT, THEN SERVE IT BY MAIL TO ALL PARTIES INVOLVED IN THE CASE! DO YOU SEE WHERE THE STATE CAN MAKE MONEY?

I REST MY CASE.

Respectfully,
Mr. James P. Arlotta

Appendix H

Mandatory E-filing

↻ Reply all | 🗑️ Delete | Junk | ▾ ...

RV Rosemary Vella <rvella@ghnlawgroup.com>
Wed 1/24, 11:42 AM
eFiling Comments ▾

↻ Reply all | ▾

Inbox

Good morning,

Can you please advise as to when it will be mandatory to e-file, and please provide me with the website link to see the correct procedure in which to file. Is Nassau and NYC also mandatory?

Thank you.

Rosemary Vella
Legal Assistant
Grenier, Humes & Nolan, LLP
445 Broad Hollow Road
Suite 330
Melville, NY 11747
Tel: (631) 694-2626
Fax: (631) 694-2629
rvella@ghnlawgroup.com

Appendix H

From: Michael J. Brenner <michaeljbrenner18@gmail.com>
Sent: Wednesday, January 24, 2018 4:38 PM
To:
Subject: Re: Can I still comment?

I am an attorney, admitted to practice in NYS but am not involved in a heavy practice. However, I have agreed to assist a family member in obtaining a court order pursuant to revising a birth certificate, in order to obtain a passport.

A major concern is that under the new system I am unable to use the client's funds to pay the filing fees from my escrow account. Instead, I have no choice but to pay it with my own personal credit card. I think that how I use my own personal credit card should be at my discretion. I cannot write a check from my escrow account because the court won't accept checks anymore. Additionally, the bank won't issue a credit card on my escrow account.

In the new situation, what I believed to be a fairly simple and routine process, became an exceedingly difficult one, because of the mandatory requirement of eFiling using a credit card to pay the filing fees.

The mandatory eFiling requirement has led to the further difficulties of protecting sensitive or personally identifiable information. It is difficult to eFile without running the risk of disclosing unredacted routine, and potentially sensitive information, such as the name of a minor or birth date, without pre-judicial screening of that information. In my case we have information that is material that may also be considered sensitive. Retaining the option of filing a hard copy directly with the court would avoid that dilemma.

I appreciate your assistance and consideration of my concerns.

Sincerely,

Michael J. Brenner

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From: eFiling Comments
Sent: Wednesday, December 20, 2017 5:20 PM
To: eFilingComments-DG
Subject: FW: e-filing in Essex County

From: Bill Russell
Sent: Wednesday, December 20, 2017 5:19:46 PM (UTC-05:00) Eastern Time (US & Canada)
To: eFiling Comments
Subject: e-filing in Essex County

As a court-appointed referee in foreclosure actions, I am getting familiar with the e-filing system and find that it is working well in Essex County New York, a small rural County near the Canadian border. I understand in January there will be mandatory filing in e-filing Essex County and welcome the same.

William E. Russell

Russell, McCormick & Russell

Attorneys at Law

Tel.: 518 834-7700

101 Clinton St., POB 549

Fax: 518 834-9300

Keeseville, New York 12944-0549

Email: billrussell@rmlawyers.com

Website: www.rmlawyers.com

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Appendix H

Nassau County Courts

PB

Peter Bartfeld <PBartfeld@salonmarrow.com>

Sun 11/19/2017, 11:36 PM

eFiling Comments ▾

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Inbox

The message sender has requested a read receipt. To send a receipt, [click here](#).

Are there plans to expand mandatory eFiling requirements to: (a) all foreclosure cases filed in Nassau County Supreme Court (inclusive of residential foreclosures); and (b) cases filed in Nassau Surrogate's Court? Needless to say, doing so will make it more convenient for all involved. I look forward to your response. Thank you. –Peter Bartfeld

Peter M. Bartfeld

Salon Marrow Dyckman Newman & Broudy LLP

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Salon Main Tel 212.661.7100 | Main Fax 212.661.3339



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